

**WARRANT
SPECIAL TOWN MEETING
November 7, 2011**

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the seventh day of November, two thousand and eleven**, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. FY 12 Water Fund Operating Budget Amendment (Finance Committee)

To see if the Town will increase the FY12 Water Fund operating budget by \$100,000 for a total of \$4,201,543 by transfer from the Water Fund free cash balance.

ARTICLE 3. Capital Program - War Memorial Pool (Select Board)

To see if the Town will vote to transfer the care, custody, and control of the parcel of land located at 205 Triangle Street, which contains 1.3 acres, more or less, and is described in a deed recorded with the Hampshire Registry of Deeds in Book 941, Page 199, from the board or officer having custody thereof for the purposes for which it is currently held to the Town Manager for recreational purposes under the provisions of G.L. c. 45, § 45, as it may be amended, and other Massachusetts statutes related to recreation, to be managed and controlled by the Leisure Services and Supplemental Education (LSSE) Commission, and to appropriate \$297,600, \$252,600 of which shall be from Free Cash and \$45,000 of which shall be transferred from the Community Services FY 12 budget for the purpose of repairing, rehabilitating, improving, and/or restoring said land and the structures and facilities thereon, including, without limitation, the pool, the pool building, the filtration system, and the decking, and further to authorize the Town Manager and/or the LSSE Commission to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the Urban Self-Help Act (301 CMR 5.00) and/or others in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing.

ARTICLE 4. Capital Program - Puffer's Pond (Conservation Commission)

To see if the Town will appropriate and transfer \$370,000 from Free Cash in the Undesignated Fund Balance of the General Fund for the purpose of the design and construction of improvements to the Puffer's Pond beaches, parking area and trails (Assessors Maps 2D-8; 5B-33; 5B-130; 5B-129; and 5B-16), contingent upon award of grant application and, if necessary, transfer and/or dedicate all or a portion of the foregoing properties to recreation purposes and

seek special legislation therefore under Article 97 of the Amendments to the Massachusetts Constitution.

ARTICLE 5. Amherst Housing Market Study (Select Board)

To see if the Town will appropriate and transfer \$40,000 from Free Cash in the Undesignated Fund Balance of the General Fund for the purpose of conducting a prospective residential market analysis for housing in Amherst.

ARTICLE 6. Stabilization Fund: Appropriate/Transfer (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from available funds to the Stabilization Fund.

ARTICLE 7. Authorization for Affordable Housing Restriction – #5 - 11 Olympia Drive (Select Board)

To see if the Town will vote to authorize the Select Board to accept, on such terms as the Select Board deems appropriate, an affordable housing restriction on the Amherst Housing Authority property located at 5-11 Olympia Drive, which restriction is granted in consideration of the Community Development Block Grant funds granted by the Town to the Amherst Housing Authority.

ARTICLE 8. Local Option Abandoned Property (Select Board)

To see if the Town will vote to accept M.G.L. c.200A, §9A, as amended by section 65 of Chapter 188 of the Acts of 2010, which includes new notice requirements and provides an alternative procedure for the Town to follow for managing abandoned funds (unclaimed checks or “tailings”).

ARTICLE 9. Watershed Land Acquisition Shutesbury (Select Board)

To see if the Town will (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection and other similar purposes, two parcels of land in the Town of Shutesbury, one of which is located off West Pelham Street, contains 7.19 acres, more or less, is described in a deed recorded with the Franklin Registry of Deeds in Book 5455, Page 215, and is shown as “Parcel B” on a plan recorded in Plan Book 125, Page 38, and the other is located on Baker Road, contains 10.6 acres, more or less, is shown on the aforesaid plan, and is a portion of the property described in a deed recorded in 2894, Page 147; (2) appropriate \$120,000 for such acquisition, and, to meet such appropriation, transfer \$120,000 from the Water Fund Surplus; (3) authorize the Select Board, the Town Manager, and/or such other boards as may be appropriate, to apply for and accept gifts and grants of funds, including grants of reimbursement, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments to effectuate the foregoing acquisition.

ARTICLE 10. Watershed Land Acquisition Pelham (Select Board)

To see if the Town will (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection and other similar purposes, a parcel of land in the Town of Pelham, which parcel is located off Boyden Street, contains 14 acres, more or less, is identified on Assessors Map 17 as Parcel 4,

and described more particularly in a deed recorded with the Hampshire Registry of Deeds in Book 1928, Page 213; and (2) appropriate \$14,000 for such acquisition, and, to meet such appropriation, transfer \$14,000 from the Water Fund Surplus.

ARTICLE 11. Capital – Sewer Extension Project (Select Board)

To see if the Town will (1) appropriate a sum of money to pay for the costs of designing and constructing sewer system improvements and sewer main extensions, and any and all costs related thereto; to determine whether this amount will be raised by taxation, transfer, borrowing, or by any combination of the foregoing, (2) authorize the Select Board, as the Sewer Commissioners, to assess sewer betterments under G.L. c.83, §14 for one hundred percent or a lesser percentage of the cost of such sewer projects upon those who benefit from each project, unless another percentage is voted by Town Meetings, such assessments to be made by the fixed uniform rate or a rate based upon a uniform unit method, as provided by G.L. c. 83, § 15; and (3) accept G.L. c. 80, §13B, which provides that upon application of the owner of real property assessed, if such owner is a low-income elderly homeowner eligible for an exemption under clause 41A of G.L. c.59, §5, the Town shall enter into an agreement with such owner for the deferral of the payment of the assessment.

ARTICLE 12. Pelham Road Bridge Replacement Project Easements (Select Board)

To see if the Town will authorize the Select Board to acquire by gift, purchase or eminent domain, for the purpose of repairing, improving or reconstructing Pelham Road and/or the bridge thereon, temporary construction easements in, on, and under the parcels of land shown on a plan entitled “Plan and Profile of Bridge Preservation Project Pelham Road,” prepared by AECOM Technical Services, on file with the Town Clerk.

<i>Owners</i>	<i>Address</i>	<i>Book and Page</i>
Luddy, Frederick L. and Judith H.	Pelham Road	1920/281
Goldstein, Joshua S. and Rose, Andra M.	Poets Corner	9363/65
Amherst Schools	South East Street	1638/169

ARTICLE 13. Snell Street Project Easements (Select Board)

To see if the Town will authorize the Select Board to acquire by gift, purchase or eminent domain, for the purpose of repairing, improving or reconstructing Snell Street and/or the bridge thereon, a temporary construction easement in, on, and under a portion or portions of the parcel of land owned by Hampshire College, located at Baker Street, identified on Assessors Map 14C as Parcel 69, and shown on the plan entitled “Rehabilitation of Snell Street Pedestrian Bridge Amherst, MA.,” dated October 3, 2011, prepared by Simpson Gumpertz & Heger, on file with the Town Clerk.

<i>Owner</i>	<i>Address</i>	<i>Book and Page</i>
Amherst College	355 South Pleasant St	7485/136

ARTICLE 14. Atkins Corner Project Easements (Select Board)

To see if the Town will vote to supplement the votes taken under Article 5 of the 2009 Annual Town Meeting and Article 3 of the November 8, 2010 Special Town Meeting, and authorize the Select Board to acquire, by gift, purchase, or eminent domain, for public way purposes in connection with the Atkins Corner intersection project, permanent easements in the properties identified below and shown on a plan entitled “Plan of land in the Town of Amherst Hampshire County Bay Road, West Bay Road and West Street Altered and laid out by the Town of Amherst,” dated May 2009, prepared by Foresight Surveying, on file with the Town Clerk.

<i>Owner</i>	<i>Address</i>	<i>Book and Page</i>
Atkins Peach-Berry Hill, Inc.	West Street	Book 4877, Page 321
Orchard Run Associates	West Street	Book 4886, Page 314
Hampshire College	West Street, Bay Road	Book 4600, Page 314, and Book 5374, Page 83
Seymour Epstein and Alice H. Epstein, Trustees of Balderwood Realty Trust	West Street	Book 4116, Page 321

ARTICLE 15. Boltwood Walk Sewer Relocation Project Easements (Select Board)

To see if the Town will vote to authorize the Select Board to release a sewer easement on the parcel of land shown as “SE2” on a plan entitled “Easement Plan, Amherst (Hampshire Co.), MA,” dated January 9, 2001, prepared by Clough, Harbor & Associates LLP, Engineers, Surveyors, Planners & Landscape Architects, recorded with the Hampshire Registry in Plan Book 188, Page 58, which sewer easement was acquired by the Town pursuant to the instrument recorded with the Hampshire Registry of Deeds in Book 6158, Page 247, on such terms and conditions as the Select Board deems appropriate, and to authorize the Select Board to accept, as consideration for the aforesaid release, a sewer easement in the parcel of land shown as “New Sewer Easement” on a plan entitled “Proposed Site Plan,” dated January 10, 2011, prepared by SVE Engineering Planning Landscape Architecture Surveying, which plans are on file with the Town Clerk.

ARTICLE 16. Zoning Bylaw – Official Zoning Map Conversion (Planning Board)

To see if the Town will amend Section 2.1, Zoning Map, of the Zoning Bylaw, by deleting the lined out language and adding the language in ***bold italics***, as follows:

SECTION 2.1 ZONING MAP

The location and boundaries of zoning districts shall be shown on a map of the Town comprised of sheets numbered 1-B through 30-D at a scale of 1” = 200’ and 1” – 400” and ***as delineated on the Town of Amherst Geographic Information Systems (GIS) map*** entitled ‘Official Zoning Map, Amherst, Massachusetts, May 1984 ***2011***,’ as amended. This map, including overlays

districts, shall be on file in the Town Clerk's Office in electronic and hard-copy (paper) format with copies available upon request. The "Official Zoning Map" shall also be available for viewing on the Town of Amherst website.

Said Zoning Map and amendments thereto as shall be duly adopted shall be considered an integral part of this Bylaw. *Amendments to zoning district boundaries adopted by action of Town Meeting shall be shown as amendments to this Map or shown on such other maps as may be incorporated as part of this Zoning Bylaw.*

ARTICLE 17. Zoning Bylaw – Village Center Re-Zoning (Planning Board)

To see if the Town will amend the Official Zoning Map for North Amherst Village and Atkins Corners, and amend the Zoning Bylaw, including Articles 2, 3, 5, 6, 7, 8, and 12, as well as Section 3.3, Use Classification and Standards (the Use Chart) and Table 3, Dimensional Regulations, and its footnotes, and to add a new Article 16, Form-Based Zoning. Pagination and enumeration shall be adjusted as needed. Deleted language is shown as lined out, with new language in ***bold italics***, as follows:

A. Amend the Zoning Bylaw by adding a new Article 16.0 – Form Based Zoning, as follows:

ARTICLE 16.0 FORM-BASED ZONING

16.0 Statement of Public Purpose

16.1 Base Zoning Districts and Overlay Districts

16.2 Street Types

16.3 Building Types and Site Dimensional Standards

16.4 Development Standards for Sites and Buildings

16.5 Public and Private Open Space Types

16.6 Nonconforming Lots, Uses and Structures

16.7 Off-Street Parking and Access Standards

16.8 Landscaping, Screening and Lighting Standards

16.9 Administration

ATTACHMENT A containing New Article 16 – Form-Based Zoning is available for inspection at the offices of the Town Clerk and Planning Board

- B. Amend Section 2.04 – Special Districts, by adding the North Amherst Village Center (NAVC) District and the Atkins Corners (AC) District, Village Form Residence Overlay District (R-VF), and Educational Form Overlay District (ED-F), as follows:**

<i>NAVC</i>	<i>North Amherst Village Center</i>
<i>AC</i>	<i>Atkins Corners</i>
<i>R-VF</i>	<i>Village Form Residence Overlay District</i>
<i>ED-F</i>	<i>Educational Form Overlay District*</i>

**Note: This area in the AC District has not yet been rezoned to Education District.*
ATTACHMENT B containing Amendments to Article 2 – Zoning Districts (Section 2.04 Special Districts) is available for inspection at the offices of the Town Clerk and Planning Board.

- C1.A Amend Section 3.21 – Educational District (ED) to establish form overlay district boundary as follows:**

ATTACHMENT C1A – Amendments to Article 3 – Use Regulations (Section 3.21 – Education District) is available for inspection at the offices of the Town Clerk and Planning Board.

- C1.B Amend Section 3.01 – Prohibited Uses – All Districts as follows:**

ATTACHMENT C1B – Amendments to Article 3 – Use Regulations (Section 3.01 – Prohibited Uses – All Districts) is available for inspection at the offices of the Town Clerk and Planning Board.

- C2. Amend Section 3.3 – Use and Classifications Standards by adding the NAVC and AC Districts and establishing allowable uses for each land use category, as follows:**

ATTACHMENT C2 – Amendments to Article 3 – Use Regulations (Section 3.3 – Use and Classification Standards) is available for inspection at the offices of the Town Clerk and Planning Board.

- D. Amend Article 5 – Accessory Uses in the following sections:**

Section 5.0111 regarding Supplemental Apartment

Section 5.013 regarding Home Occupation

Section 5.041 regarding Seasonal Outdoor Dining, etc.

Section 5.042 regarding Live or Pre-Recorded Entertainment, etc.

Section 5.0430 regarding Drive-Through Facilities

Section 5.061 regarding Recreation Ways

Section 5.070 regarding Limited Manufacturing Activity

Section 5.081 regarding Licensed Day Care Facility

Section 5.090 regarding Farm Conference Center

Section 5.091 regarding Farm Stand Restaurant

ATTACHMENT D – Amendments to Article 5 – Accessory Uses is available for inspection at the offices of the Town Clerk and Planning Board.

E. Amend Section 6.1, Table 3 – Dimensional Regulations by adding new dimensional standards for the NAVC and AC Districts, as follows:

ATTACHMENT E – Amendments to Article 6 – Dimensional Regulations (Table 3) is available for inspection at the offices of the Town Clerk and Planning Board.

F. Amend Article 7 – Parking Regulations for the NAVC and AC Districts, as follows:

ATTACHMENT F – Amendments Article 7 – Parking Regulations (Section 7.9 Waivers) is available for inspection at the offices of the Town Clerk and Planning Board.

G. Amend Article 8 – Sign Regulations for the NAVC and AC Districts, as follows:

Section 8.101 regarding Numbers of Signs and Dimensions in the R-VF

Section 8.2 regarding signs in the AC and NAVC Districts

Section 8.24 regarding additional signs in the AC and NAVC Districts

Section 8.25 regarding additional signs in a National Historic Register District

ATTACHMENT G – Amendments to Article 8 – Sign Regulations is available for inspection at the offices of the Town Clerk and Planning Board.

H. Amend Section 12.0 – Definitions

ATTACHMENT H – Amendments to Article 12 – Definitions (Additional definitions related to Form-Based Zoning) is available for inspection at the offices of the Town Clerk and Planning Board.

I. Amend Official Zoning Map (Section 2.1) by adding the following districts and overlay districts as shown on Attachment I – Figures 1A and 1B.

<i>NAVC</i>	<i>North Amherst Village Center</i>
<i>AC</i>	<i>Atkins Corners</i>
<i>R-VF</i>	<i>Village Form Residence Overlay District</i>
<i>ED-F</i>	<i>Educational Form Overlay District</i>

ATTACHMENT I – Amendments to the Official Zoning Map (Section 2.1) is available for inspection at the offices of the Town Clerk and Planning Board.

ARTICLE 18. Resolution Regarding a Committee on Homelessness (Committee on Homelessness)

To see if the Town will vote to adopt the following Resolution:

WHEREAS, since its establishment in the fall of 2007 by the Select Board, the Committee on Homelessness has assisted the Town in achieving significant progress in its efforts to prevent and end homelessness in Amherst; and

WHEREAS, in 2007, immediately following the establishment of the Committee on Homelessness, three of its members participated in a series of regional meetings that produced the report “*All Roads Lead Home, The Pioneer Valley’s Plan to End Homelessness*”; and

WHEREAS, in 2008, the Committee on Homelessness worked with the Town to secure motel rooms for the homeless during the coldest nights of the New England winter; and

WHEREAS, in 2009, Committee on Homelessness worked with the Town to establish a seasonal warming place, which provided nighttime shelter, hot meals, and outreach and referral services for the homeless; and

WHEREAS, in 2010, the Committee on Homelessness worked with the Town to establish a full-fledged and state-approved emergency shelter at the site of the former warming place, with improved safety measures; and

WHEREAS, in 2011, the Committee on Homelessness proposed and successfully advocated for the inclusion of housing units for the homeless and those of extremely low income in the affordable housing development planned for Olympia Drive; and

WHEREAS, the Committee on Homelessness has assisted the Town in securing state approval of hundreds of thousands of dollars in CDBG funding to improve the lives of the homeless in Amherst; and

WHEREAS, the Committee on Homelessness has assisted the Town to better safeguard the well being of homeless shelter guests by successfully advocating for the development of a protocol for sheltering during extreme weather, a shelter guest grievance policy, and a more

enlightened shelter admission policy that addresses the heightened needs of female, elderly, and frail homeless individuals; and

WHEREAS, because the shelter's state-issued occupancy permit is scheduled to expire at the end of the 2012-2013 shelter season, the Committee on Homelessness has assisted the Town in locating and securing a permanent site for the shelter; and

WHEREAS, because of the absence of permanent supportive housing for the 16-20 chronically homeless individuals of Amherst estimated in 2009, the Committee on Homelessness had been collaborating with the Town to develop a goal in the Housing Production Plan of creating enhanced single room occupancy units to address this unmet housing need; and

WHEREAS, the Committee on Homelessness proposed, produced, and has distributed more than 1000 copies of a local Resource Guide for the poor and homeless in Amherst, presently in its third edition; and

WHEREAS, the Committee on Homelessness routinely conducted its business in a manner consistent with the Open Meeting law, including posting its meeting agendas and minutes in a timely manner, and has among the most detailed and thorough meeting minutes of all Town boards and committees; and

WHEREAS, unlike all other Town committees and boards, the Committee on Homelessness addresses housing issues that are unique to the poor and homeless among us who, often because they do not meet minimum income thresholds, do not qualify for affordable housing;

WHEREAS, in light of the significant amount of work yet to be done to secure a permanent home for our homeless shelter, additional housing for individuals of very low and extremely low income, and 16-20 units of permanent supportive housing for the chronically homeless among us;

WHEREAS, in September of 2011, believing its mission could better be achieved by a new committee, the Select Board dissolved the Amherst Committee on Homelessness; now, therefore, be it

RESOLVED, that Town Meeting hereby calls for the establishment of a *Committee on Homelessness* that shall:

- Participate in local and regional discussions to prevent and end homelessness;
- Provide recommendations to the Select Board and Town Manager on the best known practices to prevent and end homelessness, and assist the Town and Town Manager in implementing those practices; and

- Assist the Town in securing a permanent site for the Town's homeless shelter, permanent supportive housing for the chronically homeless, and permanent housing for those of very low and extremely low income; and

Be it further **RESOLVED**, that the *Committee on Homelessness* shall consist of seven members appointed by the Select Board for terms of three years, among them, to the extent possible, members who have experience working with the homeless and two members who are homeless or have a history of homelessness.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Immanuel Lutheran Church Library	Prec. 8	Munson Memorial
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this Seventh day of October, 2011.

Stephanie J. O'Keeffe
Aaron A. Hayden
Alisa V. Brewer
Diana B. Stein
James J. Wald
Select Board

October 11, 2011

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Jennifer A. Reynolds
Constable, Town of Amherst

**RESULTS
SPECIAL TOWN MEETING
November 7, 9 and 16, 2011**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:40 p.m. There were 246 town meeting members. 124 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

Mr. Gregg asked for a moment of silence for Marilyn J. Rodzwell and Robert John Ackermann, town meeting members who had passed away since the Annual Town Meeting.

Mr. Gregg also welcomed Precinct 3 town meeting member, Anurag Sharma, as the newly appointed member of the Finance Committee.

Upon a motion made by Ms. O'Keeffe town meeting voted to postpone consideration of Article 17 until 7:30 p.m. on Wednesday, November 16, 2011.

A motion was made to consider Article 5 after Article 17. The motion was defeated.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED unanimously to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 11/7/2011.

(Reports were heard from John Musante, Town Manager; Andy Steinberg, Chair of the Finance Committee; Hope Crolius, Chair of the Public Shade Tree Committee; and Hwei-Ling Greeney, Chair of the former Committee on Homelessness.)

ARTICLE 2. FY 12 Water Fund Operating Budget Amendment (Finance Committee)

VOTED unanimously to increase the FY12 Water Fund operating budget by \$100,000.00 for a total of \$4,201,543 by transfer from the Water Fund free cash balance for purchase of water meter radio transmitters.

Action taken on 11/7/2011.

ARTICLE 3. Capital Program - War Memorial Pool (Select Board)

VOTED unanimously to transfer the care, custody, and control of the parcel of land located at 205 Triangle Street, which contains 1.3 acres, more or less, and is described in a deed recorded with the Hampshire Registry of Deeds in Book 941, Page 199, from the board or officer having custody thereof for the purposes for which it is currently held to the Town Manager for recreational purposes under the provisions of G.L. c. 45, § 45, as it may be amended, and other Massachusetts statutes related to recreation, to be managed and controlled by the Leisure Services and Supplemental Education (LSSE) Commission, and to appropriate \$297,600, \$252,600 of which shall be from Free Cash and \$45,000 of which shall be transferred from the Community Services FY 12 budget for the purpose of repairing, rehabilitating,

improving, and/or restoring said land and the structures and facilities thereon, including, without limitation, the pool, the pool building, the filtration system, and the decking, and further to authorize the Town Manager and/or the LSSE Commission to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the Urban Self-Help Act (301 CMR 5.00) and/or others in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing.
Action taken on 11/7/2011.

ARTICLE 4. Capital Program - Puffer's Pond (Conservation Commission)

VOTED by a declared two-thirds vote to appropriate and transfer \$370,000 from Free Cash in the Undesignated Fund Balance of the General Fund for the purpose of the design and construction of improvements to the Puffer's Pond beaches, parking area and trails (Assessors Maps 2D-8; 5B-33; 5B-130; 5B-129; and 5B-16), contingent upon award of grant application and, if necessary, transfer and/or dedicate all or a portion of the foregoing properties to recreation purposes and seek special legislation therefore under Article 97 of the Amendments to the Massachusetts Constitution.

Action taken on 11/7/2011.

ARTICLE 5. Amherst Housing Market Study (Select Board)

VOTED Yes 90, No 67 to appropriate and transfer \$40,000 from Free Cash in the Undesignated Fund Balance of the General Fund for the purpose of conducting a prospective residential market analysis for housing in Amherst.

Action taken on 11/7/2011.

Hilda Greenbaum, Nancy Gordon, Nonny Burack, Jim Pistrang, Rob Kusner, and Jim Scott were sworn in as tellers prior to town meeting taking a tally vote on Article 5.

ARTICLE 6. Stabilization Fund: Appropriate/Transfer (Finance Committee)

VOTED by a declared two-thirds vote to appropriate \$400,000 from FY 12 Estimated Revenue to the Stabilization Fund.

Action taken on 11/7/2011.

At 10:02 p.m. on November 7, 2011, the meeting voted to adjourn to Wednesday, November 9, 2011 at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.

There were 246 town meeting members; 124 town meeting members constitute a quorum. The Constable reported a quorum at 7:50 p.m. and the November 9, 2011 session of the November 7, Special Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 8:10 p.m.

ARTICLE 7. Authorization for Affordable Housing Restriction – #5 - 11 Olympia Drive (Select Board)

VOTED to authorize the Select Board to accept, on such terms as the Select Board deems appropriate, an affordable housing restriction on the Amherst Housing Authority property located at 5-11 Olympia Drive, which restriction is granted in consideration of the Community Development Block Grant funds granted by the Town to the Amherst Housing Authority.
Action taken on 11/9/2011.

ARTICLE 8. Local Option Abandoned Property (Select Board)

VOTED to accept M.G.L. c.200A, §9A, as amended by section 65 of Chapter 188 of the Acts of 2010, which includes new notice requirements and provides an alternative procedure for the Town to follow for managing abandoned funds (unclaimed checks or “tailings”).
Action taken on 11/9/2011.

ARTICLE 9. Watershed Land Acquisition Shutesbury (Select Board)

VOTED unanimously to (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection and other similar purposes, two parcels of land in the Town of Shutesbury, one of which is located off West Pelham Road, contains 7.19 acres, more or less, is described in a deed recorded with the Franklin Registry of Deeds in Book 5455, Page 215, and is shown as “Parcel B” on a plan recorded in Plan Book 125, Page 38, and the other is located on Baker Road, contains 10.6 acres, more or less, is shown on the aforesaid plan, and is a portion of the property described in a deed recorded in 2894, Page 147; (2) appropriate \$120,000 for such acquisition, and, to meet such appropriation, transfer \$120,000 from the Water Fund Surplus; (3) authorize the Select Board, the Town Manager, and/or such other boards as may be appropriate, to apply for and accept gifts and grants of funds, including grants of reimbursement, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments to effectuate the foregoing acquisition.
Action taken on 11/9/2011.

ARTICLE 10. Watershed Land Acquisition Parcel II (Select Board)

VOTED unanimously to (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection and other similar purposes, a parcel of land in the Town of Pelham, which parcel is located off Boyden Road, contains 14 acres, more or less, is identified on Assessors Map 17 as Parcel 4, and described more particularly in a deed recorded with the Hampshire Registry of Deeds in Book 1928, Page 213; and (2) appropriate \$14,000 for such acquisition, and, to meet such appropriation, transfer \$14,000 from the Water Fund Surplus.
Action taken on 11/9/2011.

ARTICLE 11. Capital – Sewer Extension Project (Select Board)

VOTED by a declared two-thirds vote to appropriate \$4,200,000 to pay costs of designing, and constructing sewer lines, including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
Action taken on 11/9/2011.

ARTICLE 12. Pelham Road Bridge Replacement Project Easements (Select Board)

VOTED unanimously to authorize the Select Board to acquire by gift, purchase or eminent domain, for the purpose of repairing, improving or reconstructing Pelham Road and/or the bridge thereon, temporary and permanent construction easements in, on, and under the parcels of land shown on a plan entitled, “Plan and Profile of Bridge Preservation Project Pelham Road,” prepared by AECOM Technical Services, on file with the Town Clerk.
Action taken on 11/9/2011.

ARTICLE 13. Snell Street Project Easements (Select Board)

VOTED unanimously to authorize the Select Board to acquire by gift, purchase or eminent domain, for the purpose of repairing, improving or reconstructing Snell Street and/or the bridge thereon, a temporary construction easement in, on, and under the parcels of land owned by Amherst College, located at Baker Street, identified on Assessors Map 14C as parcel 69 and shown on the plan entitled “Rehabilitation of Snell Street Pedestrian Bridge Amherst, MA.,” dated October 3, 2011, prepared by Simpson Gumpertz & Heger on file with the Town Clerk.
Action taken on 11/9/2011.

ARTICLE 14. Atkins Corner Project Easements (Select Board)

VOTED unanimously to supplement the votes taken under Article 5 of the 2009 Annual Town Meeting and Article 3 of the November 8, 2010 Special Town Meeting, and authorize the Select Board to acquire, by gift, purchase, or eminent domain, for public way purposes in connection with the Atkins Corner intersection project, permanent easements in the properties identified below and shown on a plan entitled “Plan of land in the Town of Amherst Hampshire County Bay Road, West Bay Road and West Street Altered and laid out by the Town of Amherst,” dated May 2009, prepared by Foresight Surveying, on file with the Town Clerk.

<i>Owner</i>	<i>Address</i>	<i>Book and Page</i>
Atkins Peach-Berry Hill, Inc.	West Street	Book 4877, Page 321
Orchard Run Associates	West Street	Book 4886, Page 314
Hampshire College	West Street, Bay Road	Book 4600, Page 314, and Book 5374, Page 83
Seymour Epstein and Alice H. Epstein, Trustees of Balderwood Realty Trust	West Street	Book 4116, Page 321

Action taken on 11/9/2011.

ARTICLE 15. Boltwood Walk Sewer Relocation Project Easements (Select Board)

VOTED unanimously to authorize the Select Board to release a sewer easement on the parcel of land shown as “SE2” on a plan entitled “Easement Plan, Amherst (Hampshire Co.), MA,” dated January 9, 2001, prepared by Clough, Harbor & Associates LLP, Engineers, Surveyors, Planners & Landscape Architects, recorded with the Hampshire Registry in Plan Book 188, Page 58, which sewer easement was acquired by the Town pursuant to the instrument recorded with the Hampshire Registry of Deeds in Book 6158, Page 247, on such terms and conditions as the Select Board deems appropriate, and to authorize the Select Board

to accept, as consideration for the aforesaid release, a sewer easement in the parcel of land shown as “New Sewer Easement” on a plan entitled “ Proposed Site Plan,” dated January 10, 2011, prepared by SVE Engineering Planning Landscape Architecture Surveying, which plans are on file with the Town Clerk.

Action taken on 11/9/2011.

ARTICLE 16. Zoning Bylaw – Official Zoning Map Conversion (Planning Board)

VOTED unanimously to amend Section 2.1, Zoning Map, of the Zoning Bylaw, by deleting the lined out language and adding the language in ***bold italics***, as follows:

SECTION 2.1 ZONING MAP

The location and boundaries of zoning districts shall be shown on a map of the Town comprised of sheets numbered 1-B through 30-D at a scale of 1” = 200’ and 1” – 400” and ***as delineated on the Town of Amherst Geographic Information Systems (GIS) map*** entitled ‘Official Zoning Map, Amherst, Massachusetts, May 1984 **2011**,’ as amended. This map, including overlays ***districts***, shall be on file in the Town Clerk’s Office ***in electronic and hard-copy (paper) format with copies available upon request. The “Official Zoning Map” shall also be available for viewing on the Town of Amherst website.***

Said Zoning Map and amendments thereto as shall be duly adopted shall be considered an integral part of this Bylaw. ***Amendments to zoning district boundaries adopted by action of Town Meeting shall be shown as amendments to this Map or shown on such other maps as may be incorporated as part of this Zoning Bylaw.***

Action taken on 11/9/2011.

ARTICLE 17. Zoning Bylaw – Village Center Re-Zoning (Planning Board)

The Planning Board made a motion in terms of the article except to change the permit requirement for townhouses (Section 3.322) in the NAVC and AC districts from SPR to SP.

Following the main motion Barbara Ford, town meeting member, called to divide Article 17 in order to consider the definitions of Town House (proposed Section 12.87) and Apartment (proposed Section 12.04) separately from the rest of the article.

The Moderator, in accordance with Section 3 of the Rules of Order for Town Meeting, allowed the division.

Having divided Article 17, and upon a motion made by Ms. Ford, town meeting:

VOTED unanimously to remove from the first sentence of the proposed definition of Apartments the phrase “where the majority of such units are designed and used for residential occupancy”.

Action taken 11/16/2011.

Having amended the language of the proposed definition town meeting further:

VOTED unanimously to amend Article 12 of the Zoning Bylaws by adding a definition of Apartment, and by amending the definition of Town House by deleting the lined out language and adding the language in ***bold italics*** as follows:

12.04 ***Apartment: A residential use consisting of one or more buildings, each building containing no fewer than three (3), nor more than twenty-four (24) dwelling units. Apartment dwelling units may share internal accessways and entrances and need not have separate exterior entrances on the ground level.***

12.87 Town House: ***A residential use consisting of one or more buildings containing no fewer than three nor more than ten (10) attached dwelling units, each of which has a separate private entrance on the ground level and where no building which is no more than three stories in height. Individual town house dwelling units extend from foundation to roof, and may consist of more than one floor, with each unit having fully exposed walls on at least two sides for access, light, and ventilation.***

Action taken on 11/16/2011

The remainder of Article 17 was **DEFEATED Yes 119, No 79**, failing of a two-thirds majority.

The language of the original article was as follows:

To see if the Town will amend the Official Zoning Map for North Amherst Village and Atkins Corners, and amend the Zoning Bylaw, including Articles 2, 3, 5, 6, 7, 8, and 12, as well as Section 3.3, Use Classification and Standards (the Use Chart) and Table 3, Dimensional Regulations, and its footnotes, and to add a new Article 16, Form-Based Zoning. Pagination and enumeration shall be adjusted as needed. Deleted language is shown as lined out, with new language in ***bold italics***, as follows:

A. Amend the Zoning Bylaw by adding a new Article 16.0 – Form Based Zoning, as follows:

ARTICLE 16.0 FORM-BASED ZONING

16.0 Statement of Public Purpose

16.1 Base Zoning Districts and Overlay Districts

16.2 Street Types

16.3 Building Types and Site Dimensional Standards

16.4 Development Standards for Sites and Buildings

16.5 Public and Private Open Space Types

16.6 Nonconforming Lots, Uses and Structures

16.7 Off-Street Parking and Access Standards

16.8 Landscaping, Screening and Lighting Standards

16.9 Administration

ATTACHMENT A containing New Article 16 – Form-Based Zoning is available for inspection at the offices of the Town Clerk and Planning Board

- B. Amend Section 2.04 – Special Districts, by adding the North Amherst Village Center (NAVC) District and the Atkins Corners (AC) District, Village Form Residence Overlay District (R-VF), and Educational Form Overlay District (ED-F), as follows:**

<i>NAVC</i>	<i>North Amherst Village Center</i>
<i>AC</i>	<i>Atkins Corners</i>
<i>R-VF</i>	<i>Village Form Residence Overlay District</i>
<i>ED-F</i>	<i>Educational Form Overlay District*</i>

**Note: This area in the AC District has not yet been rezoned to Education District.*

ATTACHMENT B containing Amendments to Article 2 – Zoning Districts (Section 2.04 Special Districts) is available for inspection at the offices of the Town Clerk and Planning Board.

- C1.A Amend Section 3.21 – Educational District (ED) to establish form overlay district boundary as follows:**

ATTACHMENT C1A – Amendments to Article 3 – Use Regulations (Section 3.21 – Education District) is available for inspection at the offices of the Town Clerk and Planning Board.

- C1.B Amend Section 3.01 – Prohibited Uses – All Districts as follows:**

ATTACHMENT C1B – Amendments to Article 3 – Use Regulations (Section 3.01 – Prohibited Uses – All Districts) is available for inspection at the offices of the Town Clerk and Planning Board.

- C2. Amend Section 3.3 – Use and Classifications Standards by adding the NAVC and AC Districts and establishing allowable uses for each land use category, as follows:**

ATTACHMENT C2 – Amendments to Article 3 – Use Regulations (Section 3.3 – Use and Classification Standards) is available for inspection at the offices of the Town Clerk and Planning Board.

- D. Amend Article 5 – Accessory Uses in the following sections:**

Section 5.0111 regarding Supplemental Apartment

Section 5.013 regarding Home Occupation

Section 5.041 regarding Seasonal Outdoor Dining, etc.

Section 5.042 regarding Live or Pre-Recorded Entertainment, etc.

Section 5.0430 regarding Drive-Through Facilities

Section 5.061 regarding Recreation Ways

Section 5.070 regarding Limited Manufacturing Activity

Section 5.081 regarding Licensed Day Care Facility

Section 5.090 regarding Farm Conference Center

Section 5.091 regarding Farm Stand Restaurant

ATTACHMENT D – Amendments to Article 5 – Accessory Uses is available for inspection at the offices of the Town Clerk and Planning Board.

E. Amend Section 6.1, Table 3 – Dimensional Regulations by adding new dimensional standards for the NAVC and AC Districts, as follows:

ATTACHMENT E – Amendments to Article 6 – Dimensional Regulations (Table 3) is available for inspection at the offices of the Town Clerk and Planning Board.

F. Amend Article 7 – Parking Regulations for the NAVC and AC Districts, as follows:

ATTACHMENT F – Amendments Article 7 – Parking Regulations (Section 7.9 Waivers) is available for inspection at the offices of the Town Clerk and Planning Board.

G. Amend Article 8 – Sign Regulations for the NAVC and AC Districts, as follows:

Section 8.101 regarding Numbers of Signs and Dimensions in the R-VF

Section 8.2 regarding signs in the AC and NAVC Districts

Section 8.24 regarding additional signs in the AC and NAVC Districts

Section 8.25 regarding additional signs in a National Historic Register District

ATTACHMENT G – Amendments to Article 8 – Sign Regulations is available for inspection at the offices of the Town Clerk and Planning Board.

H. Amend Section 12.0 – Definitions

ATTACHMENT H – Amendments to Article 12 – Definitions (Additional definitions related to Form-Based Zoning) is available for inspection at the offices of the Town Clerk and Planning Board.

I. Amend Official Zoning Map (Section 2.1) by adding the following districts and overlay districts as shown on Attachment I – Figures 1A and 1B.

NAVC North Amherst Village Center

AC Atkins Corners

R-VF Village Form Residence Overlay District

ED-F Educational Form Overlay District

ATTACHMENT I – Amendments to the Official Zoning Map (Section 2.1) is available for inspection at the offices of the Town Clerk and Planning Board.

Action taken on 11/16/2011.

ARTICLE 18. Resolution Regarding a Committee on Homelessness (Committee on Homelessness)

DEFEATED Yes 60, No 65 *[To see if the Town will vote to adopt the following Resolution:*

***WHEREAS**, since its establishment in the fall of 2007 by the Select Board, the Committee on Homelessness has assisted the Town in achieving significant progress in its efforts to prevent and end homelessness in Amherst; and*

***WHEREAS**, in 2007, immediately following the establishment of the Committee on Homelessness, three of its members participated in a series of regional meetings that produced the report “All Roads Lead Home, The Pioneer Valley’s Plan to End Homelessness”; and*

***WHEREAS**, in 2008, the Committee on Homelessness worked with the Town to secure motel rooms for the homeless during the coldest nights of the New England winter; and*

***WHEREAS**, in 2009, Committee on Homelessness worked with the Town to establish a seasonal warming place, which provided nighttime shelter, hot meals, and outreach and referral services for the homeless; and*

***WHEREAS**, in 2010, the Committee on Homelessness worked with the Town to establish a full-fledged and state-approved emergency shelter at the site of the former warming place, with improved safety measures; and*

WHEREAS, in 2011, the Committee on Homelessness proposed and successfully advocated for the inclusion of housing units for the homeless and those of extremely low income in the affordable housing development planned for Olympia Drive; and

WHEREAS, the Committee on Homelessness has assisted the Town in securing state approval of hundreds of thousands of dollars in CDBG funding to improve the lives of the homeless in Amherst; and

WHEREAS, the Committee on Homelessness has assisted the Town to better safeguard the well being of homeless shelter guests by successfully advocating for the development of a protocol for sheltering during extreme weather, a shelter guest grievance policy, and a more enlightened shelter admission policy that addresses the heightened needs of female, elderly, and frail homeless individuals; and

WHEREAS, because the shelter's state-issued occupancy permit is scheduled to expire at the end of the 2012-2013 shelter season, the Committee on Homelessness has assisted the Town in locating and securing a permanent site for the shelter; and

WHEREAS, because of the absence of permanent supportive housing for the 16-20 chronically homeless individuals of Amherst estimated in 2009, the Committee on Homelessness had been collaborating with the Town to develop a goal in the Housing Production Plan of creating enhanced single room occupancy units to address this unmet housing need; and

WHEREAS, the Committee on Homelessness proposed, produced, and has distributed more than 1000 copies of a local Resource Guide for the poor and homeless in Amherst, presently in its third edition; and

WHEREAS, the Committee on Homelessness routinely conducted its business in a manner consistent with the Open Meeting law, including posting its meeting agendas and minutes in a timely manner, and has among the most detailed and thorough meeting minutes of all Town boards and committees; and

WHEREAS, unlike all other Town committees and boards, the Committee on Homelessness addresses housing issues that are unique to the poor and homeless among us who, often because they do not meet minimum income thresholds, do not qualify for affordable housing;

WHEREAS, in light of the significant amount of work yet to be done to secure a permanent home for our homeless shelter, additional housing for individuals of very low and extremely low income, and 16-20 units of permanent supportive housing for the chronically homeless among us;

WHEREAS, in September of 2011, believing its mission could better be achieved by a new committee, the Select Board dissolved the Amherst Committee on Homelessness; now, therefore, be it

RESOLVED, that Town Meeting hereby calls for the establishment of a Committee on Homelessness that shall:

- *Participate in local and regional discussions to prevent and end homelessness;*
- *Provide recommendations to the Select Board and Town Manager on the best known practices to prevent and end homelessness, and assist the Town and Town Manager in implementing those practices; and*
- *Assist the Town in securing a permanent site for the Town's homeless shelter, permanent supportive housing for the chronically homeless, and permanent housing for those of very low and extremely low income; and*

*Be it further **RESOLVED**, that the Committee on Homelessness shall consist of seven members appointed by the Select Board for terms of three years, among them, to the extent possible, members who have experience working with the homeless and two members who are homeless or have a history of homelessness.]*

Action taken on 11/9/2011

At 10:26 p.m. on November 9, 2011, town meeting voted to adjourn to Wednesday, November 16, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 147 town meeting members were checked in.

There were 248 town meeting members; 125 town meeting members constitute a quorum. The Constable reported a quorum at 7:40 p.m. and the November 16, 2011 session of the November 7, 2011 Special Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:42 p.m.

Town Meeting resumed with discussion of Article 17.

The business of the warrant having been completed, at 10:25 p.m. on November 16, 2011, the meeting voted to dissolve. 205 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

**WARRANT
Special Town Meeting
November 9, 2011**

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Wednesday, the ninth day of November, two thousand and eleven**, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Regional School District Planning Committee (School Committee)

Shall the Town of Amherst form a Regional School District Planning Committee (RSDPC), consisting of three (3) members, one of whom must be a member of the school committee as per M.G.L. Chapter 71, Sections 14, 14A and 14B. The RSDPC may choose to join with a corresponding Committee(s) from another town(s) to form a Regional School District Planning Board (the Board). The purpose of the Board is to perform a detailed exploration of and recommendation as to forming a Regional School District for our K-6 school.

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 24th day of October, 2011.

Stephanie J. O'Keeffe
James J. Wald
Aaron A. Hayden
Diana B. Stein
Alisa V. Brewer
Select Board

October 25, 2011

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places*, to wit:

Thomas J. Sarna
Constable, Town of Amherst

*with the exception of Precinct 3, which was posted at the Immanuel Lutheran Church, as the prescribed posting location.

**RESULTS
SPECIAL TOWN MEETING
November 9, 2011**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:50 p.m. There were 246 town meeting members. 124 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

ARTICLE 1. Regional School District Planning Committee (School Committee)
VOTED unanimously to form a Regional School District Planning Committee (RSDPC), consisting of three (3) members, one of whom must be a member of the school committee as per M.G.L. Chapter 71, Sections 14, 14A and 14B. After a minimum of 6 public meetings, 2 of which are to be open public forums to discuss Amherst specific issues, the RSDPC may choose to join with a corresponding Committee(s) from another town(s) to form a Regional School District Planning Board (the Board). The purpose of the Board is to perform a detailed exploration of and recommendation as to forming a Regional School District for our K-6 school.
Action taken on 11/9/2011.

The business of the warrant having been completed, at 8:10 p.m. the meeting voted to dissolve. 143 town meeting members were checked in.

Attest:
Sandra J. Burgess
Town Clerk

**WARRANT
PRESIDENTIAL PRIMARY
March 6, 2012**

Hampshire, ss.

To one of the Constables of the Town of Amherst

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Primaries to vote at:

Prec. 1	North Congregational Church Hall	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4	Large Activity Room, Bangs Community Center	Prec. 9	Wildwood School
Prec. 5	Large Activity Room, Bangs Community Center	Prec. 10	Glass Room, Bangs Community Center

on **TUESDAY, THE SIXTH DAY OF MARCH, 2012**, from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE

FOR THIS COMMONWEALTH

STATE COMMITTEE MAN

HAMPSHIRE FRANKLIN and WORCESTER
SENATORIAL DISTRICT

STATE COMMITTEE WOMAN

HAMPSHIRE FRANKLIN and WORCESTER
SENATORIAL DISTRICT

TOWN COMMITTEE

TOWN OF AMHERST

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 6th day of February, 2012.

Stephanie J. O'Keeffe
Diana B. Stein
Alisa V. Brewer
Aaron A. Hayden
James J. Wald
Select Board

February 7, 2012

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Precinct 1 North Amherst Post Office
Precinct 2 North Fire Station
Precinct 3 Immanuel Lutheran Church
Precinct 4 Amherst Post Office
Precinct 5 Town Hall

Precinct 6 Fort River School
Precinct 7 Crocker Farm School
Precinct 8 Munson Memorial Library
Precinct 9 Wildwood School
Precinct 10 Campus Center, UMass

Jennifer A. Reynolds
Constable, Town of Amherst

PRESIDENTIAL PRIMARY
March 6, 2012

In accordance with the warrant the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

DEMOCRATIC

Presidential Preference	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>Total</u>
Barack Obama	32	70	18	25	59	74	86	124	62	32	582
No Preference	1	1	0	0	5	5	2	2	2	1	19
All Others	0	0	1	0	0	1	2	2	0	0	6
Blanks	1	0	0	0	2	2	1	0	0	0	6
TOTAL	34	71	19	25	66	82	91	128	64	33	613
State Committee Man											
William R. Rosen	11	35	6	13	23	28	36	53	24	13	242
Gregory D. Bascomb, Sr.	15	26	9	7	26	31	42	47	23	13	239
All Others	0	0	0	0	0	1	0	0	0	0	1
Blanks	8	10	4	5	17	22	13	28	17	7	131
TOTAL	34	71	19	25	66	82	91	128	64	33	613
State Committee Woman											
Mollie M. Fox	25	57	14	20	42	54	71	92	49	25	449
Carol Jeannette Gray*	1										1
Elizabeth J. Maynard*					1						1
ClaraJoe Fisher								1			1
All Others	0	0	0	0	0	0	0	1	0	1	2
Blanks	8	14	5	5	23	28	20	34	15	7	159
TOTAL	34	71	19	25	66	82	91	128	64	33	613

Town Committee	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>Total</u>
Leo C. Maley, III	44	102	19	36	69	83	101	138	68	41	701
Gregory D. Bascomb, Sr.	45	98	20	35	67	84	101	140	71	39	700
Bonnie L. Bascomb-MacCracken	45	98	19	35	68	85	99	135	68	40	692
Michael Wolff	44	99	19	37	69	87	100	150	71	43	719
Joan Ross Logan	46	98	19	36	65	90	105	140	78	42	719
Sylvia E. Cuomo	45	100	18	37	67	91	103	144	75	42	722
Paul E. Drummond	44	97	18	35	65	89	95	132	63	39	677
Richard N. Bentley	44	97	19	36	67	45	94	131	62	46	641
Jill Sherman	44	98	18	34	64	81	102	134	64	40	679
Jean G. Fay	44	102	19	35	66	86	107	140	62	40	701
Diana B. Stein	49	102	22	39	73	89	108	156	79	45	762
Lorna M. Peterson	44	98	21	38	68	88	102	151	70	45	725
Dale E. Peterson	44	96	20	38	65	86	100	147	69	43	708
Alice C. Swift	49	101	24	40	75	92	120	160	78	46	785
Keri L. Heitner	43	99	21	35	65	84	97	136	67	43	690
Elizabeth J. Maynard*		1			1	5	3	5	2	1	18
Patricia K. Church*					1	3	1	1	3		9
All Others	0	3	1	0	7	8	5	17	1	2	44
Blanks	516	996	368	329	1288	1594	1642	2323	1189	518	10763
TOTAL	1190	2485	665	875	2310	2870	3185	4480	2240	1155	21455

	REPUBLICAN PARTY										<u>Total</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	
Presidential Preference											
Ron Paul	6	13	2	3	5	16	10	9	12	7	83
Mitt Romney	15	29	12	6	13	45	20	50	18	5	213
Rick Perry	0	0	0	0	0	0	1	0	0	0	1
Rick Santorum	3	11	3	0	9	11	13	13	5	1	69
Jon Huntsman	0	1	0	0	3	2	1	0	1	0	8
Michele Bachmann	0	0	0	0	0	0	1	0	0	0	1
Newton Gingrich	1	8	1	1	2	7	1	1	0	0	22
No Preference	0	0	0	0	0	0	0	0	0	0	0
All Others	0	0	0	0	0	1	0	0	0	0	1
Blanks	1	0	0	0	0	0	0	0	0	0	1
TOTAL	26	62	18	10	32	82	47	73	36	13	399
State Committee Man											
John Andrus	16	31	11	8	8	47	25	36	23	4	209
All Others	1	1	0	0	0	0	0	2	0	0	4
Blanks	9	30	7	2	24	35	22	35	13	9	186
TOTAL	26	62	18	10	32	82	47	73	36	13	399
State Committee Woman											
Kathleen T. Mailhot	3	24	8	4	8	27	15	28	17	1	135
Tammy S. Mosher	14	21	4	5	9	28	17	24	7	2	131
All Others	1	0	0	0	0	0	0	1	0	0	2
Blanks	8	17	6	1	15	27	15	20	12	10	131
TOTAL	26	62	18	10	32	82	47	73	36	13	399
Town Committee											
All Others	1	1	1	0	0	11	5	0	1	1	21
Blanks	909	2169	629	350	1120	2859	1640	2555	1259	454	13944
TOTAL	910	2170	630	350	1120	2870	1645	2555	1260	455	13965

Presidential Preference	GREEN-RAINBOW PARTY									
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u> <u>Total</u>
Kent Mesplay	0	0	0	0	0	0	0	0	0	0
Jill Stein	2	1	0	2	3	2	2	3	9	1 25
Harley Mikkelsen	0	0	0	0	0	0	0	0	0	0
No Preference	0	1	0	0	0	1	0	0	0	2
All Others	0	0	0	0	0	0	1	0	0	1
Blanks	0	0	0	0	0	0	0	0	0	0
TOTAL	2	2	0	2	3	3	3	3	9	1 28
State Committee Man										
Peter Vickery*		1								1
Vincent J. O'Connor*					1					1
Frank M. Gatti*								1		1
All Others	1	0	0	0	0	0	1	0	0	2
Blanks	1	1	0	2	2	3	2	2	9	1 23
TOTAL	2	2	0	2	3	3	3	3	9	1 28
State Committee Woman										
Eleanor R. Manire-Gatti*								1		1
All Others	1	1	0	0	1	0	1	0	1	0 5
Blanks	1	1	0	2	2	3	2	2	8	1 22
TOTAL	2	2	0	2	3	3	3	3	9	1 28
Town Committee										
All Others	10	3	0	0	0	0	3	0	9	0 25
Blanks	10	17	0	20	30	30	27	30	81	10 255
TOTAL	20	20	0	20	30	30	30	30	90	10 280

*Write-In

Pct.	Reporting Time	Total Eligible Voters	Machine Count			Hand Count			Total Votes Cast			Total Vote	% Voting
			D	R	J	D	R	J	D	R	J		
1	9:55	1538	34	26	2	0	0	0	34	26	2	62	4.03%
2	9:50	1692	71	62	2	0	0	0	71	62	2	135	8.04%
3	9:43	1101	19	18	0	0	0	0	19	18	0	37	3.36%
4	9:58	974	25	10	2	0	0	0	25	10	2	37	3.80%
5	9:59	1388	66	32	3	0	0	0	66	32	3	101	7.28%
6	9:04	2127	81	82	3	0	0	0	81	82	3	166	7.80%
7	9:47	2073	91	47	3	0	0	0	91	47	3	141	6.80%
8	9:22	2230	127	73	3	0	0	0	127	73	3	203	9.10%
9	8:54	1711	63	36	9	1	0	0	64	36	9	109	6.37%
10	9:32	1166	32	13	1	0	0	0	32	13	1	46	3.95%
TOTAL		16000							611	399	28	1038	6.49%

D = Democratic Party
R = Republican Party
J = Green-Rainbow Party

The public announcement was made at 10:05 p.m. 1,038 ballots were cast, representing 6.49% of the 16,000 registered voters qualified to vote in the March 6, 2012 Presidential Primary.

Attest:

Sandra J. Burgess Town Clerk

**WARRANT
ANNUAL TOWN ELECTION
APRIL 3, 2012**

Hampshire, ss.

To one of the Constables of the Town of Amherst
Greeting:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

Prec. 1	North Congregational Church Hall	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4	Large Activity Rm, Bangs Community Center	Prec. 9	Wildwood School
Prec. 5	Large Activity Rm, Bangs Community Center	Prec. 10	Glass Rm, Bangs Community Center

on **Tuesday, the 3rd day of April 2012**, from 7:00 a.m. to 8:00 p.m. for the following purpose: To cast their votes in the Annual Town Election for the candidates for the following offices:

Moderator, one for one year; Select Board, one for three years; School Committee, two for three years; Elector, Oliver Smith Will, one for one year; Jones Library Trustee, two for three years; Jones Library Trustee, one for one year; Housing Authority, one for five years; Amherst Redevelopment Authority, one for five years; Town Meeting Members: Precinct 1, twenty-four*; Precinct 2, twenty-four*; Precinct 3, twenty-four*; Precinct 4, twenty-four*; Precinct 5, twenty-four*; Precinct 6, twenty-four*; Precinct 7, twenty-four*; Precinct 8, twenty-four*; Precinct 9, twenty-four*; Precinct 10, twenty-four*.

*Terms will be determined in accordance with Section 1.532 of the Amherst Town Government Act.

The polls will be open from 7:00 a.m. to 8:00 p.m.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 27th day of February, 2012.

Stephanie J. O'Keeffe ,
Aaron A. Hayden ,
James J. Wald ,
Diana B. Stein ,
Alisa V. Brewer
Select Board, Town of Amherst

March 6, 2012

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Prec. 1 North Amherst Post Office
Prec. 2 North Fire Station
Prec. 3 Immanuel Lutheran Church
Prec. 4 Amherst Post Office
Prec. 5 Town Hall

Prec. 6 Fort River School
Prec. 7 Crocker Farm School
Prec. 8 Munson Memorial Library
Prec. 9 Wildwood School
Prec. 10 Campus Center, UMass

Jennifer A. Reynolds , Constable, Town of Amherst

**RESULTS
ANNUAL TOWN ELECTION
April 3, 2012**

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

MODERATOR	1	2	3	4	5	6	7	8	9	10	TOTAL
Harrison L. Gregg	149	193	91	90	134	268	240	333	223	79	1800
All Others	3	2	2	2	3	5	2	9	4	2	34
Blanks	51	63	14	16	57	93	76	117	75	35	597
TOTAL	203	258	107	108	194	366	318	459	302	116	2431

SELECT BOARD

Aaron A. Hayden	134	184	80	88	134	255	223	310	215	68	1691
All Others	2	1	2	2	1	7	3	8	6	3	35
Blanks	67	73	25	18	59	104	92	141	81	45	705
TOTAL	203	258	107	108	194	366	318	459	302	116	2431

SCHOOL COMMITTEE

Lawrence E. O'Brien	154	163	86	67	114	216	192	265	208	69	1534
Irvin E. Rhodes	53	123	31	60	91	138	147	197	120	56	1016
Amilcar Shabazz	118	117	52	42	91	191	151	204	151	47	1164
Michael P. Aronson	24	49	15	18	27	79	63	108	34	20	437
All Others	0	1	0	0	1	1	0	2	0	0	5
Blanks	57	63	30	29	64	107	83	142	91	40	706
TOTAL	406	516	214	216	388	732	636	918	604	232	4862

JONES LIBRARY TRUSTEE (three years)

Austin D. Sarat	89	147	57	80	137	194	152	261	208	68	1393
Carol Jeannette Gray	99	98	41	31	59	162	132	158	99	32	911
Tamson M. Ely	86	123	57	63	100	166	163	263	173	61	1255
All Others	3	1	2	0	0	0	0	0	2	1	9
Blanks	129	147	57	42	92	210	189	236	122	70	1294
TOTAL	406	516	214	216	388	732	636	918	604	232	4862

JONES LIBRARY TRUSTEE (one year)

Joyce A. Thatcher	75	82	48	37	49	130	110	163	95	42	831
Carl Anthony Erikson III	66	91	31	46	84	131	103	143	115	44	854
All Others	0	1	0	0	0	1	2	0	0	0	4
Blanks	62	84	28	25	61	104	103	153	92	30	742
TOTAL	203	258	107	108	194	366	318	459	302	116	2431

ELECTOR, OLIVER SMITH WILL

John W. Coull	126	179	78	80	114	236	214	294	202	61	1584
All Others	2	1	2	2	0	2	1	2	2	0	14
Blanks	75	78	27	26	80	128	103	163	98	55	833
TOTAL	203	258	107	108	194	366	318	459	302	116	2431

HOUSING AUTHORITY

Laura L. Quinn	116	144	64	69	105	214	204	238	167	63	1384
All Others	1	8	0	4	1	11	13	20	2	3	63
Blanks	86	106	43	35	88	141	101	201	133	50	984
TOTAL	203	258	107	108	194	366	318	459	302	116	2431

REDEVELOPMENT AUTHORITY

Patricia G. Holland	130	152	71	70	108	208	183	248	166	67	1403
All Others	1	2	0	1	0	3	0	4	2	0	13
Blanks	72	104	36	37	86	155	135	207	134	49	1015
TOTAL	203	258	107	108	194	366	318	459	302	116	2431

Precinct I, three years (8)

Vincent J. O'Connor	114
Patricia G. Holland	112
Mary Jane Laus	109
Kenton F. Tharp	108
Janet Keller	106
Louis S. Greenbaum	106
Hilda B. Greenbaum	105
Sharon T. Povinelli	101
William Lyons Witten@	61
Stephen J. King@	55
Kimberly May Mead@	33

Precinct I, two years (8)

Nonny Burack	
Melissa H. Perot	
Terence J. Franklin	
Paola DiStefano	
Margaret E. Gage	
Valerie A. Cooley	
Sarah E. Swartz	
Philip W. Gosselin	
Christine Ann Gray-	
Mullen@	
Mark Power@	

Precinct I, one year (8)

James Perot	76
Eric N. Nazar	75
Jane H. Wald	73
Peter J. Gray-Mullen	73
Nancy M. Buffone	70
Deborah Jean Timberlake	69
Daniel P. Kramer	66
Louise Broad Lavine	65
David Robson Gillham@	57
John P. Kuzmiski@	35

Precinct II, three years (8)		Precinct II, two years (8)		Precinct II, one year (8)	
James W. Pistrang	148	Jean A. Schwartz	117	Sharon M. Vardatira	102
John W. Coull	143	Nolan Anaya	108	Wendi Weber	89
Barbara C. Ford	142	Edith Nye MacMullen	107	Cynthia C. Brubaker	88
Christopher E. Riddle	142	Robert C. Biagi	107	Michael P. Sullivan	82
Roy A. Johnson	132	William J. Mullin	106	Cyrus E. Cox	79
Arnold L. Alper	131	Megan D. Rosa	106	Rita K. Burke	77
Daniel E. Clapp	122	Margaret A. Kroeplin	105	Stephanie Gelfan	74
Barbara M. Levine	121	Adrienne Levine	103	Sean J. Burke	71
Wolfe B. Lowenthal@	70				

Precinct III, three years (8)		Precinct III, two years (8)		Precinct III, one year (8)	
Nancy N. Gregg	81	Sherri A. Willey	67	Patricia Roper O'Brien*	8
Sonya Bergquist	77	Marcy A. Sala	66	Dorwenda A. Bynum-	7
Andrew M. Churchill	75	Leeta L. Bailey	58	Lewis*	
Jacqueline C. Churchill	72	Lawrence Orloff	57	Alice E. Pierce Bonifaz*	5
Catharine C. Porter	71	Kathleen M. Carroll	52	Nathan Michael	2
Anurag Sharma	70	Patricia E. McPeak-Larocca	52	Turowsky*	1
Brian D. Morton	68	Robert B. Kusner	47	Tristan D. Boscardin*	
Ryan S. Willey	67	Eric Magazu	45		

Eight candidates received one write-in vote each. Five of them declared they did not wish to be elected to Town Meeting. The remaining three candidates were notified of their election by write-in. Two of them declined their election to town meeting.

Precinct IV, three years (8)		Precinct IV, two years (8)		Precinct IV, one year (8)	
Kay J. Moran	84	Michael A. Giles	68	Alan W. Powell	58
Charles Moran	83	Mark L. Parent	68	Jon Stuart Nelson	58
Baer Tierkel	76	Gregory P. Boisseau	67	Philip A. Shaver*	23
Carol M. Johnson	74	Patricia G. Blauner	67	Margot Shea O'Connor*	14
John A. Pistel	73	Christine F. Pilsner	67	Naomi Ossar*	4
Audrey Yale Smith	70	Katharine E. Troast	66	Timothy A. Neale^	1
Gregg Edward Anderson	69	Peter Roland Blier	65		
George E. Ryan	69	Michael L. Rossen	63		

Thirteen candidates received one write-in vote each. Eight of them declared they did not wish to be elected to Town Meeting. The remaining five names were placed on a tie-breaker ballot for the purpose of filling three vacancies. One of the candidates elected failed to accept their election in writing and one declined following the tie-breaker election.

Precinct V, three years (8)		Precinct V, two years (8)		Precinct V, one year (8)	
Nancy H. Pagano	106	Tom Ehrgood	69	Hisham F. Nakshbendi	55
Katharine M. McGovern	87	Merrylees Turner	68	Samuel M. Andrews	54
Robert J. Joy	84	Walter J. Wolnik	66	Carlton Brose*	4
Kevin J. Noonan	79	Mandi Jo Hanneke	65	Vernon D. Turner*	2
Michael Joseph Mascis	78	Nina Wishengrad	65	Daniel L. Gordon*	2
Patricia K. Church	73	Kevin J. Eddings	59	Amy H. Mittelman^	1
James Burgess Oldham	73	Jared R. Schy	58	Hind R. Mari^	1
Barry H. Federman	72	Tong Shen	58		

Fifteen candidates received one write-in vote each. Three of them declared they did not wish to be elected to Town Meeting. The remaining twelve names were placed on a tie-breaker ballot for the purpose of filling three vacancies. One of the candidates elected failed to accept their election in writing.

Precinct VI, three years (8)		Precinct VI, two years (8)		Precinct VI, one year (8)	
Marilyn Hecht Blaustein	212	Joan Ross Logan	155	Kevin H. Vanderleeden	
Jeffrey D. Blaustein	195	Paul E. Drummond	155	Daniel Paul Rivera	
Gordon A. Freed	192	James Avery Smith	153	Silvia R. Brinkerhoff	
Amy A. Brodigan	183	Michael C. Jacques	150	Joseph M. Wronka	
Constance E. Kruger	171	Lisa Kleinholz	149	Josef J. Wille	
Faythe E. Turner	170	Kathleen G. Traphagen	146	Andrew T. Melnechuk*	
Paul H. Kaplan	168	James A. Brissette	146	Thomas N. Harris*	
Vladimir Morales	159	Edward J. Mientka	138	Douglas Wesley Slaughter*	
				Kevin J. Hannon^	

A vacancy occurred in Precinct 6 when Amy A. Brodigan resigned following the election. The names of two candidates who received two write-in votes each were placed on a tie-breaker ballot. Kevin J. Hannon was elected by the remaining town meeting members in Precinct 6 to fill the vacancy.

Precinct VII, three years (8)		Precinct VII, two years (8)		Precinct VIII, one year (8)	
Alice C. Swift	180	Albert Chevan	123	Karen Marie Lennon	
Adrienne M. Terrizzi	144	Isabelle M. Callahan	123	James W. Como	
Janet W. Chevan	138	Carol Jeannette Gray	110	Ernest J. Dalkas	
James E. Scott	135	Harvey D. Allen	106	Nelson Acosta	
Rebekah R. Demling	133	Christopher J. Hoffmann	105	Edward V. Harvey	
Marylou Theilman	130	Gertrude Como	105	Mathew R. Jacobson	
Laura L. Quinn	125	James D. Brassord	103	Thaddeus E. Dabrowski	
Louise R. Hammann	123	Robert R. Wellman	103	Jeffrey C. Lee	
Michael D. Olkin@	84	Sarah C. Barr@	81	John A. Boothroyd@	
Constance A. White@	82	Elizabeth Maynard@	58	Brian P. Doyle@	

Three candidates received 123 votes putting them in a tie for the eighth three-year term. In accordance with Section 1.532 of the Amherst Town Government Act the names were placed on a tie-breaker ballot. Louise R. Hammann was elected by the remaining Precinct 7 town meeting members voted at the same election to fill the three-year term.

Precinct VIII, three years (8)		Precinct VIII, two years (8)		Precinct VIII, one year (8)	
Amilcar Shabazz#	239	Diana R. Spurgin	155	Eleanor R. Manire-Gatti	
Barry L. Roberts	214	David D. Mullins	155	Fred Moseley	
Gerald S. Weiss	205	Janice D. Ratner	153	Elaine Fronhofer	
Clare E. Bertrand	203	Sonya R. Sofield	151	Bart Bouricius	
Jenifer E. McKenna	184	Isaac BenEzra	150	Richard B. Spurgin	
Mary Streeter	170	Frank M. Gatti	149	Janet Louise McGowan	
Joan M. Temkin	167	Lise N. Halpern	147	Matthew A. Blumenfeld	
Ruth F. Hooke	167	Charles L. Scherpa	143	John W. Kick	
Glen P. Bertrand	159				
Flo R. Stern@	106	Derek Andrew Noble@	89	Sigurd Ralph Nilsen@	
Bernard R. Kubiak@	92	David J. Bryne@	84	Susan T. Connor-Kirshbaum@	
James M. Boice@	90	Michael S. Hutton-Woodland@	78		

Two candidates received 143 votes putting them in a tie for the eighth two-year term. In accordance with Section 1.532 of the Amherst Town Government Act the names were placed on a tie-breaker ballot. Charles L. Scherpa was elected by the remaining Precinct 8 town meeting members voted at the same election to fill the two-year term.

Amilcar Shabazz was elected to School Committee. Section 2.211 of the Amherst Town Government Act imparts ex-officio membership on those who are elected to the School Committee. Officers designated as town meeting members ex officio, upon appointment or election, cease to be an elected town meeting member.

Precinct IX, three years (8)

Max Page
Alexander E. Krogh-Grabbe
Otto L. Stein
Sarah W. Auerbach
Niels P. Lacour
John F. Edwards
Aaron L. Kropf
Margaret R. Roberts

Tom W. Roeper@
Richard T. Roznoy@
Jerry G. Guidera Jr.@
Shavahn M. Best@
Nina Weyl@
Michael D. Chesworth@

Precinct IX, two years (8)

165 Julia Y. Rueschemeyer
164 Stephen D. Schreiber
155 Sarah C. Lacour
144 Jessica B. Wilkinson
139 Pamela S. Rooney
138 Jonathan P. O'Keeffe
133 Felicity P. Callahan
131 Mathew E. Lebowitz

93 Nancy E. Higgins@
92 Kerry David Strayer@
88 Judith C. Strayer@
87 Irwin H. Friman@
85 Frederic P. Hartwell@
83 Emily G. Lewis@

Precinct IX, one year (8)

131 Joan L. Burgess
130 Sara J. Ross
130 Simon C. Leutz
127 Denise Renee Barberet
119 Jan Eidelson
118 Gavin A. Andresen
113 Ben T. Grosscup
106 Raymond J. Laraja

80 Robert J. Crouner@
79 Richard F. McGinn Jr.@
73 D. Joseph Bodin@
67 Beverly J. Swihart@
66 Charles F. Hopkins@
64

Two candidates received 131 votes putting them in a tie for the eighth three-year term. In accordance with Section 1.532 of the Amherst Town Government Act the names were placed on a tie-breaker ballot. Margaret R. Roberts was elected by the remaining Precinct 9 town meeting members voted at the same election to fill the three-year term.

Precinct X, three years (8)

Lewis C. Mainzer
John O. Fox
Hwei-Ling Greeney
Philip S. Jackson
Elissa H. Rubinstein
Richard N. Bentley
Judy L. Simpson
Maurianne Adams

Precinct X, two years (8)

77 Brett J. Butler
76 Stephen R. Braun
71 Nancy M. Gordon
67 L. Paige Wilder
65 Gretchen G. Fox*
64 Steven L. Bloom
62 Christine A. Kline
62 James R. Turner

Precinct X, one year (8)

62 Robin A. Fordham
61 John J. Michaels
61 Regina B. Rheault
59 Jonathan P. Nelms
57 Robert Pam
57 William Alan Miller*
55 Rolf O. Karlstrom*
53 Karin Winter*

Three candidates received 62 votes putting them in a tie for two three-year terms. In accordance with Section 1.532 of the Amherst Town Government Act the names were placed on a tie-breaker ballot. Judy L. Simpson and Maurianne Adams were elected by the remaining Precinct 10 town meeting members voted at the same election to fill the two three-year terms.

* Write-In Candidate

@ Defeated

^Tie-Breaker

Ex-Officio

<u>Precinct</u>	<u>PM Return</u> <u>Time</u>	<u>Number Registered</u>	<u>Ballots Cast</u>	<u>% Turnout</u>
1	9:30	1,517	203	13.38
2	9:45	1,682	258	15.34
3	9:36	1,094	107	9.78
4	9:31	961	108	11.24
5	9:27	1,398	194	13.88
6	9:05	2,162	366	16.93
7	9:28	2,082	317	15.23
8	10:28	2,243	459	20.46
9	9:05	1,704	302	17.72
10	9:29	1,148	116	10.10
TOTAL		15,991	2,430	15.20

The public announcement was made at 10:32 p.m. on April 3, 2012. 2,430 ballots were cast, representing 15.20% of the 15,991 voters registered.

Attest:

Sandra J. Burgess
Town Clerk

**WARRANT
ANNUAL TOWN MEETING
April 30, 2012**

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Annual Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the Thirtieth day of April, Two Thousand and Twelve**, when the following articles will be acted upon by Town Meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee)

To see if the Town will, in accordance with M.G.L. Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 3. Optional Tax Exemptions (Select Board)

To see if the Town will authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under M.G.L. Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C.

ARTICLE 4. Authorization for Compensating Balances (Select Board)

To see if the Town will accept the provisions of M.G.L. Chapter 44, Section 53F, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

ARTICLE 5. Street Acceptance – Sunrise Avenue (Select Board)

To see if the Town will accept as a town way Sunrise Avenue, as laid out by the Select Board and as shown on plans of land to be filed with the Town Clerk, and authorize the Select Board to take by eminent domain, to purchase or otherwise acquire the fee or an easement in said roadway, and drainage, utility and/or other easements.

ARTICLE 6. Street Acceptance – Altered Layout of University Drive (Select Board)

To see if the Town will accept as a town way the altered layout of University Drive, as laid out by the Select Board and as shown on the plans of land to be filed with the Town Clerk, and authorize the Select Board to purchase or otherwise acquire the fee or an easement in said roadway, and drainage, utility and/or other easements.

ARTICLE 7. Sewer Easements – Harkness Road Project (Select Board)

To see if the Town will authorize the Select Board to acquire by purchase, gift or eminent domain, easements for the construction of a sewer main, drainage and general utility purposes on portions of properties in the vicinity of the Harkness Road Sewer Project.

ARTICLE 8. FY 2012 Budget Amendments (Finance Committee)

To see if the Town will amend the budget voted under Article 14 of the 2011 Annual Town Meeting (FY 2012 Operating Budget) to transfer sums of money between General Government, Public Safety, Public Works, Conservation and Development, Community Services, and Debt Service accounts to balance the 2012 Fiscal Year.

A. To see if the Town will appropriate and transfer \$91,508 from Free Cash in the Undesignated Fund Balance of the General Fund to the Health Claims Trust Fund to account for Medicare Part D reimbursements received by

the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

B. To see if the Town will appropriate and transfer \$426,206 from Free Cash in the Undesignated Fund Balance of the General Fund to the Reserve Fund for the purpose of paying the costs associated with the October 2011 snowstorm and related tree damage clean-up costs.

ARTICLE 9. Retirement Assessment (Select Board)

To see if the Town will raise and appropriate \$3,468,324 for the Hampshire County Retirement System assessment.

ARTICLE 10. Regional Lockup Assessment (Select Board)

To see if the Town will raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.

**ARTICLE 11. Amherst-Pelham Regional School District Assessment Method
(Amherst-Pelham Regional School Committee)**

To see if the Town will vote to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2013 as required by Section VI of the Regional Agreement.

ARTICLE 12. FY 2013 Operating Budget (Finance Committee)

To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

**ARTICLE 13. Petition Article - Restoration of a line item for Human Services in FY 13 Budget
(Eddings et al)**

To see if the Town will support the restoration of a line item for Human Services in the FY 2013 budget at the FY 2008 level of funding (\$66,000).

ARTICLE 14. Reserve Fund (Finance Committee)

To see if the Town will raise and appropriate \$100,000 for the Reserve Fund for FY 2013.

ARTICLE 15. Capital Program – Chapter 90 (Joint Capital Planning Committee)

To see if the Town will authorize a sum of money for the expenditure of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

ARTICLE 16. Capital Program – Equipment (Joint Capital Planning Committee)

To see if the Town will appropriate \$1,213,804 to purchase, repair, and/or install new or replacement equipment and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 17. Capital Program – Buildings & Facilities (Joint Capital Planning Committee)

To see if the Town will appropriate \$368,396 to repair and/or improve buildings and facilities and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 18. Capital Program – Debt Authorization (Joint Capital Planning Committee)

To see if the Town will appropriate \$1,071,000 for the following purposes:

- A. \$612,000 for the purchase and planting of trees and equipment related thereto, and for making other public works improvements, and that to meet this appropriation, the Treasurer, with the approval of the

Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

- B. \$150,000 for the purchase of a large truck for the Public Works Department, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- C. \$184,000 for making repairs to the Amherst Fire Central Station, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- D. And \$125,000 for purchasing police communications equipment, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

ARTICLE 19. Capital Program – Debt Rescission (Select Board)

To see if the Town will vote to rescind the \$80,000 unissued amount that was authorized to be borrowed by a vote of the Town passed at the Special Town Meeting held on November 5, 2007 (Article 5), as amended by a vote of the Town passed at the 2008 Annual Town Meeting held on April 28, 2008 (Article 17(C)), for the acquisition of portable classrooms to be used at the Mark's Meadow school facility but which is no longer needed for the purpose for which it was initially approved.

Authorizing Vote	Amount Borrowed	Rescission	
Nov. 5, 2007	\$195,000		
April 28, 2008	\$105,000		
Total	\$300,000	\$220,000	\$80,000

ARTICLE 20. Capital Program – Debt Repurpose (Select Board)

To see if the Town will appropriate the following unexpended amounts of money that were initially borrowed to finance capital projects that are now complete, and for which no further liability remains, to pay a portion of the costs of repairs to the sidewalks at Bangs Community Center authorized by Article 18 of the *Annual* Town Meeting May 18, 2011 and to reduce by a like amount the portion of the Bangs Community Center project funding to be raised by taxation, as permitted by MGL Chapter 44, Section 20:

Original	Borrowed	Unexpended	Repurpos
Portable Classrooms	\$220,000	\$6,261.96	Sidewalk repair STM Nov. 5, 2007 and ATM April 28, 2008

ARTICLE 21. Community Preservation Act (Community Preservation Act Committee)

A. To see if the Town will appropriate a sum of money for Community Preservation Act Purposes recommended by the Community Preservation Act Committee and that the following amounts (items 1 – 7) be appropriated or reserved from Community Preservation Act Funds as follows, and to authorize the Town to accept or convey property interests where applicable, as required under M.G.L. Chapter 44B, Section 12.

	Project	Total Appropriation	Source of Appropriation
	AFFORDABLE HOUSING		
1	Habitat for Humanity Belchertown Road Site Improvement	\$20,000	
2	HAP Olympia Drive Project General Construction	\$250,000	
	Total Affordable Housing	\$270,000	FY 13 Estimated Revenues
	HISTORIC PRESERVATION		
3	Amherst Historical Society Roof Repair	\$25,000	
4	Amherst Historical Society Database	22,000	
5	West Cemetery Fencing for Dickinson Plot	40,000	
	Total Historic Preservation	\$87,000	FY 13 Estimated Revenues
	OPEN SPACE		
6	Surveys & Appraisals	\$25,000	
	Total Open Space	\$25,000	FY 13 Estimated Revenues
	ADMINISTRATIVE		
7	To Fund CPAC Administrative Expenses.	\$2,000	
	Total Administrative	\$2,000	FY 13 Estimated Revenues
	TOTAL FOR ARTICLE	\$384,000	

- B. To see if the Town will appropriate the sum of \$200,000 from the Community Preservation Fund Balance Account for Community Preservation Act purposes recommended by the Community Preservation Act Committee as a Budgeted Reserve.
- C. To see if the Town will appropriate the sum of \$25,000 from Community Preservation Fund estimated revenues for the purpose of acquiring a conservation restriction on two parcels of land in North Amherst, which parcels are shown on Assessors Map 5C as Parcels 28 and 151, located on North Pleasant Street, and are portions of the premises in deeds recorded with the Hampshire Registry of Deeds in Book 8351, Page 91 and Book 8788, Page 122; and further, to authorize the Select Board to acquire said restriction by gift, purchase, or eminent domain, to be held by the Conservation Commission in accordance with Chapter 40, Section 8C of the General Laws; and further, to authorize the Town Manager and/or the Conservation Commission or their designee to seek and file on behalf of the Town any and all applications deemed necessary for grants under which this conservation restriction acquisition may be eligible for funding and to accept said grants; and further, to authorize the Select Board, the Town Manager, and/or the Conservation Commission to enter into any and all agreements, and execute any and all instruments, as may be necessary or appropriate to effectuate the foregoing acquisition.

ARTICLE 22. Free Cash (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the Fiscal Year 2013 Budget.

ARTICLE 23. Stabilization Fund (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2013 Budget.

ARTICLE 24. Zoning – Form Based Zoning and Atkins Corners Rezoning (Planning Board)

document “Town of Amherst, Village Center Form-Based Zoning,” as follows:

Add Form-Based Design Regulations

1. To add a new Article 16, Form-Based Regulations, excluding all regulations specific to Atkins Corners and North Amherst village centers, and to amend Sections 3.01 and 5.061, and Articles 7 and 12.

Add Form-Based Design Regulations for Atkins Corners

2. To add those regulations under Article 16, Form-Based Regulations, specific to zoning districts and overlay districts in Atkins Corners village center, and to amend Articles 2, 3, 5, 6, 7, 8, 12 and 16, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, including all amendments specific to the Atkins Corners village center.

Add Atkins Corners zoning districts to Official Zoning Map

3. To amend zoning district boundaries as shown on Figure 1A for the Atkins Corners village center.

ARTICLE 25. Zoning – Form Based Zoning and North Amherst Rezoning (Planning Board)

To see if the Town will vote to amend the Zoning Bylaw as shown in the document “Town of Amherst, Form-Based Zoning,” as follows:

Add Form-Based Design Regulations

1. To add a new Article 16, Form-Based Regulations, excluding all regulations specific to Atkins Corners and North Amherst village centers, and to amend Sections 3.01 and 5.061, and Articles 7 and 12.

Add Form-Based Design Regulations for North Amherst village center

2. To add those regulations under Article 16, Form-Based Regulations, specific to North Amherst village center, and to amend Articles 2, 3, 5, 6, 7, 8, 12 and 16, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, all, including all amendments specific to North Amherst village center.

Add North Amherst village center zoning districts to Official Zoning Map

3. To amend zoning district boundaries as shown on Figure 1B for North Amherst village center.

ARTICLE 26. Zoning – Residential Parking Design Regulations (Planning Board)

To see if the Town will amend Sections 7.00 and 7.1 of the Zoning Bylaw, as follows:

- A. **Amend Section 7.00 by reorganizing sentences, deleting the lined out language, and adding the language in *bold italics*, as follows:**

- 7.00 In all districts except Educational Districts, off-street parking spaces shall be provided and maintained in connection with the construction, conversion or increase in *dwelling* units or dimensions of buildings, structures or use. *The provisions of this section shall apply to parking spaces for cars, vans, light trucks, and similar vehicles used predominantly for personal transportation. Parking for commercial vehicles or vehicles used for private or public transit shall be governed under the provisions of Sections 7.1, 7.3 and 7.5. such Except as may be required otherwise by the Permit Granting Board or Special Permit Granting Authority, as applicable, parking* spaces to *shall* be provided in at least the following minimum amounts.

7.000 For dwellings, including apartments:

7.0000 tTwo (2) parking spaces for each dwelling unit.

7.0001 ***Parking spaces for Ccars or similar vehicles*** parked in the front set back shall be shall be on a parking *paved* surface such as *concrete, bituminous asphalt, masonry pavers, oil and stone*, gravel, trap rock, or a similar material (*see Section 7.100*).

7.0002 ***In any residential district,*** There shall be a maximum of two (2) cars *or similar vehicles* allowed to be parked in the front setback of any property. ***Parking in the front setback shall be on paved surfaces only. Where five (5) or more cars are regularly parked on a given property in association with a residential use, parking in the front setback shall be designed so as to ensure free passage at all times for regular users and unrestricted access for emergency vehicles.***

- B. **Amend Section 7.1 by deleting the lined out language and adding the language in *bold italics*, by adding a new Section 7.100, and by renumbering the remaining sections accordingly, as follows:**

SECTION 7.1 DESIGN STANDARDS AND LANDSCAPE STANDARDS

The purposes of these design and landscaping requirements are to provide for: the safe and efficient flow of pedestrian and vehicular traffic; the separation of parking areas from abutting streets; visual relief from expanses of

unbroken blacktop and vehicles; proper drainage and snow removal; and general visual enhancement of parking areas. Residential uses of four or fewer units shall be exempt from Sections 7.100 **7.102** and 7.101 **7.103**.

7.10 Design Standards

- 7.100 *For new or altered parking areas consisting of a total of five (5) or more parking spaces, where no Special Permit or Site Plan Review approval is required:*

7.1000 Parking Plan Required: *An accurate scaled site plan shall be submitted to the Building Commissioner demonstrating compliance of the proposed parking with this Bylaw with respect to driveways, grading, slope, drainage, design, setbacks, layout, location on the site, circulation, lighting, landscaping, and other pertinent features.*

7.1001 Waiver or Modification: *Where not otherwise provided for under Section 7.90 or other sections of the Bylaw, any provision of Section 7.1 may be waived or modified by the Building Commissioner for compelling reasons of safety or design, except that no such administrative waiver or modification may be granted for maximum lot coverage.*

- 7.101 **Paving:** *For the purposes of this bylaw, a paved parking surface shall be considered to be one which has a prepared subgrade and compacted gravel base with a minimum total 12 inch depth, appropriate grading and drainage, and which is surfaced with a minimum 2 inch top coat of concrete, asphalt, masonry pavers, oil and stone, gravel, trap rock, or similar material, as approved or modified by the Town Engineer. To the extent feasible, permeable or porous paving shall be employed in new construction or site renovations or improvements.*

- 7.102 **Slope:** Parking areas used for parking and vehicle maneuvering shall have grades not to exceed five percent slope.

Driveways used exclusively for ingress or egress or interior parking lot circulation shall have slopes not exceeding 12 percent except within 30 feet of the road, in which case the slope shall not exceed 5 percent.

- 7.103 Set back from buildings: except for parking within an enclosed structure, no parking space shall be located within eight feet of a building wall. No access aisle, entrance or exit driveway shall be located within five feet of a building. Loading docks are exempt from this requirement.

- 7.104 Dimensions, **Marking & Delineation**

The area of all parking areas shall be included in the calculation of maximum lot coverage.

Parking areas shall be clearly delineated and shall be provided with a permanent dust-free surface and adequate drainage. Each parking space shall be at least 9 feet x 18 feet in size, and all parking areas must have adequate access and maneuvering areas. The Zoning Board of Appeals (SP) or the Planning Board (SPR) may allow, upon application, small car parking spaces (8 feet x 16 feet) to be substituted for up to fifty percent of the standard parking spaces. Compact parking spaces shall be designated by clearly visible signs.

In all parking areas of five (5) or more parking spaces, individual spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces.

Curb radii, driveway width, and other such dimensions shall comply with the "Street and Site Work Construction Standards", adopted by the Select Board, as such standards may be amended, unless otherwise specified in Section 7.1, Design Standards and Landscape Standards.

Ramps between parking areas of different elevations shall not exceed 12 percent slope, with a maximum 5 percent transition slope for a minimum length of 20 feet at the upper and lower end of the ramp slope. All parking plans involving ramps shall be accompanied by profiles showing the ramp, ramp transitions, and overhead and wall clearances.

- 7.105** Lighting: adequate lighting shall be provided for all parking areas of 10 5 spaces or more if these areas are to be used at night. Any illumination, including security lighting, shall be arranged so as to reflect away from adjoining properties and rights-of-way. Residential projects containing eight or fewer dwelling units are exempt from 7.103. *All exterior site lighting associated with parking areas shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see.*

Adjacent properties shall be protected from light intrusion through the use of cut-off luminaries, light shields, lowered height of light poles, screening or similar solutions. All exterior site lighting shall be kept extinguished outside of normal hours of use, except for lighting necessary for site security and the safety of employees and visitors, which lighting shall be activated and controlled through motion sensors or similar technology.

- 7.106** Entrance and exit driveways: for parking areas containing fewer than 5 spaces, the minimum width of entrance and exit drives shall be 10 feet wide for one-way use and 18 feet wide for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 10 feet wide for one-way use and 18 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The permit granting board may modify these width and radius limitations to facilitate traffic flow and safety.

Driveways shall be located and designed so as to minimize conflict with traffic and provide clear visibility and sight distances for the observation of approaching pedestrian and vehicular traffic. The design and layout of driveways and circulation serving parking areas of 5 or more spaces shall prevent vehicles from backing into a street in order to exit the site. Circulation design, layout, and signs associated with non-residential uses shall direct exiting vehicles in a safe and convenient manner toward main thoroughfares and away from secondary streets passing through adjacent residential neighborhoods. No portion of the driveway at the edge of the street pavement shall be closer than 75 feet from an intersection, unless allowed by the Special Permit Granting Authority or Permit Granting Board.

7.11 Landscape Standards

- 7.110** Parking areas of 10 or more spaces shall provide a minimum of 10 percent of the total parking area as landscaped open space (this may be included in the calculation of open space area under Table 3: Dimensional Regulation: Maximum Lot Coverage).
- 7.111** Parking areas of 25 or more spaces shall provide landscaped islands of a minimum width of four feet, with raised curbs, throughout the parking area for

the purposes of: a) defining parking lot entrances, b) defining the ends of a portion of the parking aisles, c) defining the location and pattern of primary internal access drives, d) separating parking spaces within long rows of spaces, and e) separating some of the rows of parking spaces from other rows.

- 7.112 Screening: parking areas with 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties. Such screening may be accomplished by: depressions in grade 3 feet or more; a hedge or wall; or any type of appropriate natural or artificial permanent division. Any required screening barrier shall not be less than 3 feet high. Screening shall not be located to obstruct driver visions so as to impair safety at intersections or driveway entrances or exits.

ARTICLE 27. Local Historic District (Historic Commission)

To see if the Town will vote to amend the General Bylaws of the Town by adding an Historic District Bylaw, and to create The Dickinson Historic District pursuant to MGL Chapter 40C.

ARTICLE 28. Petition Article - Reversing Citizens United v. Federal Elections Commission (Swift et al)

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations;

WHEREAS, Corporations are not people but instead are entities created by the law of states and nations;

WHEREAS, this corporate takeover of the First Amendment has reached its extreme conclusion in the United States Supreme Court's ruling in Citizens United v. Federal Elections Commission;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. Federal Elections Commission overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. Federal Elections Commission has unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government;

Now be it resolved that the Town of Amherst, Massachusetts, hereby calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse Citizens United v. Federal Elections Commission and to restore constitutional rights and fair elections to the people.

And be it further resolved that the Massachusetts Legislature be urged to call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse Citizens United v. Federal Elections Commission and to restore constitutional rights and fair elections to the people.

Now be it further resolved that the Town Clerk be directed to send a copy of this resolution to Sen. John F. Kerry and Sen. Scott P. Brown, Congressman John W. Olver, Massachusetts State Senator Stanley Rosenberg, and Massachusetts State Representative Ellen Story.

ARTICLE 29. Petition Article – Bylaw Regarding Sharing of Information with Federal Agencies (Hooke et al)

WHEREAS the Town of Amherst has been enriched and built by generations of immigrants; and,

WHEREAS the program called "Secure Communities" (SComm), run by federal Immigration and Customs Enforcement, harms our communities by mandating local law enforcement reporting of information with the Department of Homeland Security on individuals they detain or arrest, thus involving local law enforcement in federal immigration policy; and,

WHEREAS SComm is an unfunded mandate, meaning that the burden of incarceration, detention, and care for detained people falls upon the budget of local law enforcement and upon the Town of Amherst; and,

WHEREAS SComm rejects a community policing model, which is based upon trust between law enforcement and the population it is meant to protect and serve, and has already been shown to increase distrust and fear of local authorities, making many immigrants afraid to be witnesses and report crimes against themselves and others; and,

WHEREAS SComm violates the Town of Amherst Bylaws, including the Human Rights Bylaw (STM- November 8, 1999, Art. 16), as SComm explicitly promotes discrimination on the basis of nation of origin and implicitly promotes discrimination on the basis of race, color, and socio-economic status; and,

WHEREAS current Code of Federal Regulations that govern the Federal Bureau of Investigation (FBI) states in 28 C.F.R. Pt. 20 et seq., that "[s]tate and local governments will determine the purposes for which dissemination of criminal history record information is authorized" and that state and local governments are permitted to decide whether or not the FBI is authorized to share their data with other agencies by "State law, executive order, local ordinance, or court rule, decision or order" and may "place a total ban on dissemination."; then

NOW, THEREFORE, BE IT RESOLVED that the Amherst Representative Town Meeting vote to amend the town's General Bylaws, in accordance with the "Classification of New By-laws" (ATM- March 20, 1939- Art. 12), to include the following:

Criminal history record information shall be defined as Information collected by criminal justice agencies on individuals consisting of names; addresses; biometric information including but not limited to fingerprint records, photographs, video recordings and iris scans; identifiable descriptions; notations of arrests, detentions and indictments; information, or other formal criminal charges and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release.

Criminal justice agencies shall be defined as Agencies tasked with law enforcement or criminal justice functions, such as police, courts, and district attorneys.

Criminal history record information that originates in the Town of Amherst and is transmitted to the FBI, whether through a state or local entity, shall, in accordance with 28 C.F.R. Pt. 20 et seq, not be disseminated by the FBI to other agencies for any reason;

FURTHER BE IT RESOLVED that the Amherst Town Manager is instructed to send, within 15 days of the taking effect of this Bylaw, notice to the FBI informing the Agency of the passage of this Bylaw, and instructing the FBI that pursuant to 28 C.F.R. Pt.20 et seq., the Agency shall immediately cease the dissemination to other agencies of criminal history record information originating in the Town of Amherst, Massachusetts; and,

FURTHER BE IT RESOLVED that the Amherst Town Manager, after the taking of effect of this Bylaw, is instructed to send copies of this Bylaw to the Governor of the Commonwealth of Massachusetts Deval Patrick, to Senators John Kerry and Scott Brown, to our Representative in Congress, John W. Olver, and to State Senator Stanley Rosenberg and State Representative Ellen Story.

**ARTICLE 30. Petition Article – Bylaw Regarding Measures Relative to Banking of Town Funds
(O'Connor et al)**

To see if the Town will vote to enact the following measures relative to banking the town's governmental funds:

1a. Resolved, that the Amherst Representative Town Meeting vote to amend the Town's general bylaws in accordance with rules previously adopted by adding the following:

All taxes, fees, fines, penalties and other monies collected or received by the Town of Amherst, its enterprise funds, and the Amherst Elementary Schools shall be deposited in accordance with the laws and regulations of the Commonwealth as they apply to municipal governments, only in banks, credit unions, and other financial institutions operating solely within the Commonwealth of Massachusetts.

1b. Resolved, that the town vote to request that our representatives to the Great and General Court, State Senator Stanley Rosenberg and State Representative Ellen Story; to sponsor, support and vote for special legislation for the Town of Amherst exempting said Town of Amherst from any and all Massachusetts laws and regulations requiring the town to deposit its governmental monies in banking institutions not operating solely within the boundaries of the Commonwealth.

And, Further Be It Resolved, that upon the taking effect of the above vote, the Town Clerk shall, within ten working days, transmit a certified copy of this request and vote thereon to the town's representatives to the Great and General Court.

2. Resolved, that the town vote to request that our representatives to the Great and General Court, State Senator Stanley Rosenberg and State Representative Ellen Story, sponsor, support and vote for legislation establishing The Bank of Massachusetts - into which all governmental monies of the Commonwealth and every institutional and political subdivision thereof shall be deposited and whose investments and loans shall be confirmed to governmental securities of the United States, the Commonwealth of Massachusetts and its institutional and political subdivisions, loans to undergraduate and graduate college students who are residents of Massachusetts or who attend Massachusetts institutions of higher learning, non-resalable Massachusetts home mortgages for individuals and families whose incomes are 120% or less than the median income for their region, loans for energy conservation and renewable energy generation to governmental institutions and businesses whose physical facilities lie wholly within the Commonwealth, and for such other purposes as the General Court shall prescribe.

And, Further Be It Resolved, that upon the taking effect of the above vote, the Town Clerk shall, within ten working days, transmit a certified copy of this request and vote thereon to the town's representatives to the Great and General Court.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands on this thirtieth day of March, 2012.

Stephanie J. O'Keeffe
Diana B. Stein
Alisa V. Brewer
James J. Wald
Select Board

March 30, 2012

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Jennifer A. Reynolds
Constable, Town of Amherst

**WARRANT
SPECIAL TOWN MEETING
May 14, 2012**

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the fourteenth day of May, two thousand and twelve**, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Capital Program – War Memorial Pool (Select Board)

To see if the Town will vote to supplement the vote taken under Article 3 of the November 7, 2011 Special Town Meeting to dedicate the parcel of land located at 205 Triangle Street, which contains 1.3 acres, more or less, and is described in a deed recorded with the Hampshire Registry of Deeds in Book 941, Page 199, to the care, custody and control of the Town Manager for recreational purposes under the provisions of G.L. c. 45, §14, as it may be amended, and other Massachusetts statutes related to recreation, to be managed and controlled by the Leisure Services and Supplemental Education (LSSE) Commission, under which prior vote funds were appropriated and transferred for the purpose of repairing, rehabilitating, improving, and/or restoring said land and the structures and facilities thereon, including, without limitation, the pool, the pool building, the filtration system, and the decking, and the Town Manager and/or the LSSE Commission were authorized to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the Urban Self-Help Act (301 CMR 5.00) and to enter into all agreements and execute any and all instruments as necessary or convenient to effectuate the vote taken under said Article 3.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 26th day of April 2012.

Stephanie J. O'Keeffe
Alisa V. Brewer
Aaron A. Hayden
Select Board

April 26, 2012

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Willie J. Wheeler
Constable, Town of Amherst

**RESULTS
SPECIAL TOWN MEETING
May 14, 2012**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:54 p.m. There were 246 town meeting members. 124 checked in and a quorum was declared. The call and return of the warrant was read by Assistant Town Clerk, Susan Audette.

ARTICLE 1. Regional School District Planning Committee (School Committee)

VOTED unanimously to supplement the vote taken under Article 3 of the November 7, 2011 Special Town Meeting to dedicate the parcel of land located at 205 Triangle Street, which contains 1.3 acres, more or less, and is described in a deed recorded with the Hampshire Registry of Deeds in Book 941, Page 199, to the care, custody and control of the Town Manager for recreational purposes under the provisions of G.L. c. 45, §14, as it may be amended, and other Massachusetts statutes related to recreation, to be managed and controlled by the Leisure Services and Supplemental Education (LSSE) Commission, under which prior vote funds were appropriated and transferred for the purpose of repairing, rehabilitating, improving, and/or restoring said land and the structures and facilities thereon, including, without limitation, the pool, the pool building, the filtration system, and the decking, and the Town Manager and/or the LSSE Commission were authorized to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the Urban Self-Help Act (301 CMR 5.00) and to enter into all agreements and execute any and all instruments as necessary or convenient to effectuate the vote taken under said Article 3.
Action taken on 5/14/2012.

The business of the warrant having been completed, at 8:02 p.m. the meeting voted to dissolve. 214 town meeting members were checked in.

Attest:
Susan Audette, Assistant Town Clerk

**RESULTS
ANNUAL TOWN MEETING
April 30, May 2, 7, 9, 14, 16, and 21, 2012**

The meeting was televised by Amherst Community Television and shown on the government channel.

The 254th Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:47 p.m. There were 242 town meeting members. 122 checked in and a quorum was declared. The call and the return of the warrant was read by Town Clerk, Sandra J. Burgess.

The Town Moderator was sworn to the faithful performance of his duties. The Moderator swore in newly elected and re-elected town meeting members.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of those town meeting members who had passed away, including Stephen Puffer, Seymour Friedman, and Howard Ziff.

The Moderator congratulated Mr. Lawrence O'Brien, and Mr. Amilcar Shabazz on their election to the School Committee; Mr. Austin Sarat, Ms. Tamson Ely and Mr. Carl Erickson to the Library Trustees, and Mr. Aaron Hayden on his re-election to the Select Board.

The Moderator recognized Select Board member Diana Stein for a statement. Ms. Stein thanked the dedicated volunteers who serve the town on boards, committees, and commissions. Ms. Stein said the Select Board would begin making appointments to fill vacancies in June and encouraged people who were interested to submit a Citizens Activity Form.

The Moderator recognized Ms. Alice Swift, Town Meeting Member in Precinct 7 for a procedural motion.

Ms. Swift made a motion to consider Article 28 on Monday May 7 at 7:30 p.m. The motion was seconded. Town Meeting voted to consider Article 28 on Monday, May 7 at 7:30 p.m.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken 4/30/12

Katherine Appy gave a report for the Regional School District Planning Committee, and Margaret Roberts reported on behalf of the Town Meeting Coordinating Committee.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

VOTED to dismiss.

[To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken 4/30/12.

ARTICLE 3. Optional Tax Exemptions (Select Board)

VOTED unanimously to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

Action taken 4/30/12

ARTICLE 4. Authorization for Compensating Balances (Select Board)

VOTED to accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

Action taken on 4/30/2012.

ARTICLE 5. Street Acceptance – Sunrise Avenue (Select Board)

VOTED unanimously that the Town accept as a town way Sunrise Avenue, as heretofore laid out by the Select Board and shown on a plan of land entitled “Sunrise Ave Street Acceptance,” dated April 20, 2012, prepared by Amherst Department of Public Works Engineering Department, on file with the Town Clerk, and authorize the Select Board to take by eminent domain, to purchase or otherwise acquire the fee or an easement in said roadway, and drainage, utility and/or other related easements.

Action taken 4/30/12.

ARTICLE 6. Street Acceptance – Altered Layout of University Drive (Select Board)

VOTED by a declared two-thirds vote to accept as a town way the altered layout of University Drive, as heretofore altered and laid out by the Select Board and shown on a plan of land entitled “Right of Way – Property Plan University Drive Route 9 to Big Y , Amherst, MA”, prepared by Stantec Consulting Services, Inc., Northampton, MA, on file with the Town Clerk, and authorize the Select Board to take by eminent domain, to purchase or otherwise acquire the fee or an easement in said roadway, and drainage, utility and/or other related easements.

Action taken 4/30/12.

ARTICLE 7. Sewer Easements – Harkness Road Project (Select Board)

VOTED to authorize the Select Board to acquire by purchase, gift or eminent domain, easements for the construction of a sewer main, drainage and general utility purposes on portions of properties in the vicinity of the Harkness Road Sewer Project.

Action taken 4/30/12.

ARTICLE 8. FY 2012 Budget Amendments (Finance Committee)

A. VOTED unanimously to amend the action taken under Article 14 of the 2011 Annual Town Meeting Fiscal Year 12 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$102,100: Public Safety by \$82,000; Community Services by \$20,100 and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for General Government by \$102,100.

Action taken 4/30/12.

B. VOTED unanimously to appropriate and transfer \$91,508 from Free Cash in the Undesignated Fund Balance of the General Fund to the Health Claims Trust Fund to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

Action taken 4/30/12.

C. VOTED to appropriate and transfer \$426,206 from Free Cash in the Undesignated Fund Balance of the General Fund to the Reserve Fund for the purpose of paying the costs associated with the October 2011 snowstorm and related tree damage clean-up costs.

Action taken 4/30/12.

ARTICLE 9. Retirement Assessment (Select Board)

VOTED unanimously to raise and appropriate \$3,468,324 for the Hampshire County Retirement System assessment.

Action taken 4/30/12.

ARTICLE 10. Regional Lockup Assessment (Select Board)

VOTED to raise and appropriate **\$31,323** for the Hampshire County Regional Lockup Facility assessment.

Action taken 4/30/12.

**ARTICLE 11. Amherst-Pelham Regional School District Assessment Method
(Amherst-Pelham Regional School Committee)**

VOTED unanimously to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2013 as required by Section VI of the Regional Agreement.

Action taken 4/30/2012.

ARTICLE 12. FY 2013 Operating Budget (Finance Committee)

DEBT SERVICE

VOTED unanimously to appropriate \$1,827,368 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,619,737 be raised by taxation, \$123,833 be appropriated and transferred from Community Preservation Fund annual revenues, and \$83,798 be appropriated from the Fund Balance Reserved for Debt Service Account.

Action taken 4/30/2012.

LIBRARY SERVICES

VOTED unanimously to approve the Library Services operating budget of \$2,272,830, and that the Town raise and appropriate \$1,690,789 as its share of that budget.

Action taken 4/30/2012.

ELEMENTARY SCHOOLS

VOTED unanimously to raise and appropriate \$21,558,039 for the Amherst Elementary Schools.

Action taken on 4/30/2012.

The Moderator recognized Select Board Chair, Stephanie O’Keeffe for a motion.

Ms. O’Keeffe made a motion to consider the Regional Schools Budget.
Motion was defeated.

At 10:13 p.m. on April 30, 2012, the meeting voted to adjourn to Wednesday, May 2, 2012 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 205 town meeting members were checked in.

There were 242 town meeting members; 122 town meeting members constitute a quorum. The Constable reported a quorum at 7:42 p.m. and the May 2, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg at 7:48 p.m.

Mr. Jonathan O’Keeffe, Planning Board Chair made a motion to consider Articles 24 and 25 at 7:30 p.m. on Wednesday, May 9, 2012. The motion was seconded and carried.

REGIONAL SCHOOLS

VOTED to approve the Amherst-Pelham Regional School District operating and capital budget of \$28,527,558 and that the Town raise and appropriate \$13,796,524 as its share of that budget.
Action taken on 5/2/12.

Town Manager John Musante presented a report prior to discussion on the General Government portion of the budget.

CONSERVATION AND DEVELOPMENT

VOTED unanimously to raise and appropriate \$927,560 for Conservation and Development.
Action taken on 5/2/2012.

Hilda Greenbaum, Nancy Gordon, James Pistrang, Nonny Burack, James Scott, and Robert Kusner were sworn in as tellers.

COMMUNITY SERVICES

A.VOTED to raise and appropriate \$1,692,882 for Community Services.
Action taken on 5/2/2012.

(Two motions were made to increase the Human Services portion of the Community Services budget; Kevin Eddings by \$66,000, and Gerald Weiss by \$26,000. In accordance with Sec. 7 of Article 1 – The Town Government – Rules of Order for Town Meeting, Town Meeting voted on the Eddings amendment first. The motion was defeated by a Tally Vote; Yes 67, No 111. The Weiss amendment was defeated by a Tally Vote; Yes 78, No 100.)

At 10:11 p.m. on May 2, 2012, the meeting voted to adjourn to Monday, May 7 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 187 town meeting members were checked in.

There were 245 town meeting members; 123 town meeting members constitute a quorum. The Constable reported a quorum at 7:40 p.m. and the May 7, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m.

Mr. Gregg asked town meeting to rise and observe a moment of silence in memory of Diane Westfall who passed away on May 2.

Town Meeting resumed with discussion of Article 28 per vote taken on April 30, 2012.
Town Meeting continued with Motion B under Community Services.

B.VOTED unanimously to establish a revolving fund pursuant to M.G.L. Ch. 44, §53E½ for the operation of an After School Program from which the receipts shall be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2012. Action taken on 5/7/12.

PUBLIC SAFETY

VOTED unanimously to appropriate \$8,877,651 for Public Safety and that to meet such appropriation \$6,689,975 be raised by taxation and \$2,187,676 be transferred from the Ambulance Receipts Reserved for Appropriation Account. Action taken on 5/7/12.

PUBLIC WORKS

VOTED unanimously to raise and appropriate \$1,996,684 for Public Works. Action taken on 5/7/12.

GENERAL GOVERNMENT

VOTED unanimously to \$6,088,418 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation, \$5,985,066 be raised by taxation and \$103,352 be transferred from the Ambulance Receipts Reserved For Appropriation Account. Action taken on 5/7/12.

WATER FUND

VOTED unanimously to appropriate \$3,498,354 for the Water Fund and that to meet such appropriation \$3,498,354 be made available from Water Fund revenues of the current year. Action taken on 5/7/12.

SEWER FUND

VOTED unanimously to appropriate \$3,652,855 for the Sewer Fund and that to meet such appropriation \$3,410,187 be made available from Sewer Fund revenues of the current year and \$242,668 be transferred from Sewer Fund Surplus. Action taken on 5/7/12.

SOLID WASTE FUND

VOTED unanimously to appropriate \$549,855 for the Solid Waste Fund and that to meet such appropriation \$496,800 be made available from Solid Waste Fund revenues of the current year and \$53,055 be transferred from Solid Waste Fund Surplus. Action taken on 5/7/12.

TRANSPORTATION FUND

VOTED unanimously to appropriate \$984,383 for the Transportation Fund and that to meet such appropriation \$884,165 be made available from Transportation Fund revenues of the current year and \$100,218 be transferred from Transportation Fund Surplus. Action taken on 5/7/12.

ARTICLE 13. Petition Article – Restoration of Human Services (Kevin Eddings et al)

VOTED to Dismiss.

Action taken on 5/7/12.

[To see if the Town will support the restoration of a line item for Human Services in the FY 2013 budget at the FY 2008 level of funding (\$66,000).]

ARTICLE 14. Reserve Fund (Finance Committee)

VOTED unanimously to raise and appropriate \$100,000 for the Reserve Fund for FY 2012.

Action taken on 5/7/12.

ARTICLE 15. Capital Program – Chapter 90 (Joint Capital Planning Committee)

VOTED unanimously to authorize the expenditure of the sum of \$500,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts. –

Action taken on 5/7/12.

ARTICLE 16. Capital Program – Equipment (Joint Capital Planning Committee)

VOTED to appropriate \$1,213,804 to purchase, repair, and/or install new or replacement equipment and that to meet such appropriation \$925,804 be raised by taxation, \$255,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account, and \$33,000 be transferred from the Fund Balance Reserved for Capital account.

Action taken on 5/7/12.

[Kevin Noonan made a motion to decrease the total appropriation by \$20,000 by eliminating the amount recommended for security cameras for the Jones Library building. The Moderator, not wanting to come to a final vote until Town Meeting had the opportunity to discuss all the items to be funded under Article 16, called for a vote on whether or not to amend the bottom line. The Rules of Order for Town Meeting, Section 7, requires that a vote taken on an article when two or more motions are made with regard to the same subject relating to sums of money, that the question shall first be put upon the largest sum. Therefore, Town Meeting had to vote on the amount recommended by the Joint Capital Planning Committee rather than on the amendment. Town Meeting voted on the JCPC recommended amount and therefore the vote to amend failed by default. After continued discussion Town Meeting came to a final vote on Article 16 and in accordance with said section voted first on the motion for the higher amount. Motion carried.]

At 10:02 p.m. on May 7, 2012, the meeting voted to adjourn to Wednesday, May 9, 2012 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 182 town meeting members were checked in.

There were 245 town meeting members; 123 town meeting members constitute a quorum. The Constable reported a quorum at 7:37 p.m. and the May 9, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:40 p.m.

Town Meeting resumed with Article 24 as voted by town meeting on May 2, 2012.

There were 247 town meeting members; 124 town meeting members constitute a quorum. The Constable reported a quorum at 7:43 p.m. and the May 16, 2012 session of the May 16, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:45 p.m.

Town Meeting resumed with Article 17. Jeffrey Lee was sworn in as teller.

ARTICLE 17. Capital Program – Buildings & Facilities (Joint Capital Planning Committee)

VOTED to raise and appropriate \$368,396 to repair and/or improve buildings and facilities.

Action taken on 5/16/12.

(Motions were made by James Perot to reduce the appropriation by \$40,000 and by Vincent O'Connor to reduce the appropriation by \$80,000. The Moderator, not wanting to come to a final vote until Town Meeting had the opportunity to discuss all the items to be funded under Article 17, called for a vote on whether or not to amend the bottom line. The Rules of Order for Town Meeting, Section 7, however, requires that a vote taken on an article when two or more motions are made with regard to the same subject relating to sums of money, that the question shall first be put upon the largest sum. Therefore, Town Meeting had to vote on the amount recommended by the Joint Capital Planning Committee rather than on the amendments. Town Meeting voted Yes 101, No 55 on the JCPC recommended amount and therefore the votes to amend failed by default. After continued discussion Town Meeting came to a final vote on Article 17 and in accordance with said section voted first on the motion for the higher amount. Motion carried.)

ARTICLE 18. Capital Program – Debt (Joint Capital Planning Committee)

VOTED by a declared two-thirds vote to appropriate \$1,071,000 for the following purposes:

- A. \$612,000 for the purchase and planting of trees and equipment related thereto, and for making other public works improvements, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- B. \$150,000 for the purchase of a large truck for the Public Works Department, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- C. \$184,000 for making repairs to the Amherst Central Fire Station, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- D. And \$125,000 for purchasing police communications equipment, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken on 5/16/12.

ARTICLE 19. Capital Program – Debt Rescission (Select Board)

VOTED unanimously to rescind the \$80,000 unissued amount that was authorized to be borrowed by a vote of the Town passed at the Special Town Meeting held on November 5, 2007 (Article 5), as amended by a vote of the Town passed at the 2008 Annual Town Meeting held on April 28, 2008 (Article 17(C)), for the acquisition of portable classrooms to be used at the Mark's Meadow school facility but which is no longer needed for the purpose for which it was initially approved.

<u>Authorizing Vote</u>	<u>Amount Borrowed</u>	<u>Rescission</u>	
Nov. 5, 2007	\$195,000		
April 28, 2008	\$105,000		
Total	\$300,000	\$220,000	\$80,000

Action taken on 5/16/12.

ARTICLE 20. Capital Program – Debt Repurpose (Select Board)

VOTED unanimously to appropriate the following unexpended amounts of money that were initially borrowed to finance capital projects that are now complete, and for which no further liability remains, to pay a portion of the costs of repairs to the sidewalks at Bangs Community Center authorized by Article 18 of the *Annual Town Meeting* May 18, 2011 and to reduce by a like amount the portion of the Bangs Community Center project funding to be raised by taxation, as permitted by MGL Chapter 44, Section 20:

<u>Original</u>	<u>Borrowed</u>	<u>Unexpended</u>	<u>Repurpose</u>
Portable Classrooms	\$220,000	\$6,261.96	Sidewalk repair

STM Nov. 5, 2007 and ATM April 28, 2008

Action taken on 5/16/12.

ARTICLE 21. Community Preservation Act (Community Preservation Act Committee)

A VOTED unanimously to appropriate a sum of \$384,000 for Community Preservation Act Purposes as recommended by the Community Preservation Act Committee and that the following amounts (items 1 - 7) be appropriated from Community Preservation Act Fund Estimated Revenues:

Project		Total Appropriation	Source of Appropriation
	AFFORDABLE HOUSING		
1	Habitat for Humanity Belchertown Road Site Improvement	\$20,000	
2	HAP Olympia Drive Project General Construction	\$250,000	
	Total Affordable Housing	\$270,000	FY13 Estimated Revenues
	HISTORIC PRESERVATION		
3	Amherst Historical Society Roof Repair	\$25,000	
4	Amherst Historical Society Database	\$22,000	
5	West Cemetery Fencing for Dickinson Plot	\$40,000	
	Total Historic Preservation	\$87,000	FY13 Estimated Revenues
	Open Space		
6	Surveys & Appraisals	\$25,000	
	Total Open Space	\$25,000	FY13 Estimated Revenues
	ADMINISTRATIVE		
7	To fund CPAC Administrative Expenses.	\$2,000	
	Total Administrative	\$2,000	FY13 Estimated Revenues
	Total for Article	\$384,000	

Action taken on 5/16/12.

B VOTED to appropriate a sum of \$200,000 for Community Preservation Act purposes recommended by the Community Preservation Act Committee and that the following amount be appropriated from Community Preservation Act Fund Balance as a "Budgeted Reserve"

Action taken on 5/16/12.

C VOTED unanimously to appropriate the sum of \$25,000 from Community Preservation Fund estimated revenues for the purpose of acquiring a conservation restriction on two parcels of land in North Amherst, which parcels are shown on Assessors Map 5C as Parcels 28 and 151, located on North Pleasant Street, and are portions of the premises in deeds recorded with the Hampshire Registry of Deeds in Book 8351, Page 91 and Book 8788, Page 122; and further, to authorize the Select Board to acquire said restriction by gift, purchase, or eminent

domain, to be held by the Conservation Commission in accordance with Chapter 40, Section 8C of the General Laws; and further, to authorize the Town Manager and/or the Conservation Commission or their designee to seek and file on behalf of the Town any and all applications deemed necessary for grants under which this conservation restriction acquisition may be eligible for funding and to accept said grants; and further, to authorize the Select Board, the Town Manager, and/or the Conservation Commission to enter into any and all agreements, and execute any and all instruments, as may be necessary or appropriate to effectuate the foregoing acquisition.
Action taken on 5/16/12.

ARTICLE 22. Free Cash (Finance Committee)

VOTED unanimously to appropriate and transfer from Free Cash in the Undesignated Fund Balance of the General Fund the sum of \$218,200 to balance the FY 13 Fiscal Year Budget.
Action taken on 5/16/12.

ARTICLE 23. Stabilization Fund (Finance Committee)

VOTED unanimously to DISMISS.

[To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2013 Budget.]
Action taken on 5/16/12.

ARTICLE 24. Zoning – Form Based Zoning and Atkins Corners Rezoning (Planning Board)

DEFEATED Yes 131, No 78

[To see if the Town will vote to amend the Zoning Bylaw and Official Zoning Map as shown in the document “Town of Amherst, Village Center Form-Based Zoning,” as follows:

Add Form-Based Design Regulations

4. *To add a new Article 16, Form-Based Regulations, excluding all regulations specific to Atkins Corners and North Amherst village centers, and to amend Sections 3.01 and 5.061, and Articles 7 and 12.*

Add Form-Based Design Regulations for Atkins Corners

5. *To add those regulations under Article 16, Form-Based Regulations, specific to zoning districts and overlay districts in Atkins Corners village center, and to amend Articles 2, 3, 5, 6, 7, 8, 12 and 16, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, including all amendments specific to the Atkins Corners village center.*

Add Atkins Corners zoning districts to Official Zoning Map

6. *To amend zoning district boundaries as shown on Figure 1A for the Atkins Corners village center.]*

Action taken on 5/9/2012.

(Town Meeting Member Janet Chevan moved to amend Article 24 by removing the southeast segment bordering on Bay Road and Route 116 from the Atkins corner zone and restoring it to its currently existing zone as shown in the area outlined on the map displayed on the screen at Town Meeting and not labeled #2. Motion was defeated. Ms. Chevan then moved to amend Art. 24 to restore the Applewood PURD. Motion was defeated.)

At 10:13 p.m. on May 9, 2012, the meeting voted to adjourn to Monday, May 14, 2012 at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 213 town meeting members were checked in.

There were 246 town meeting members; 124 town meeting members constitute a quorum. The constable reported a quorum at 7:50 p.m. and the May 14, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 8:02 p.m.

Three candidates received 62 votes putting them in a tie for two three-year terms. In accordance with Section 1.532 of the Amherst Town Government Act the names were placed on a tie-breaker ballot. Judy L. Simpson and Maurianne Adams were elected by the remaining Precinct 10 town meeting members

ARTICLE 25. Zoning – Form Based Zoning and North Amherst Rezoning (Planning Board)

DEFEATED Yes 137: No 73

[To see if the Town will vote to amend the Zoning Bylaw as shown in the document "Town of Amherst, Form-Based Zoning," as follows:

Add Form-Based Design Regulations

4. To add a new Article 16, Form-Based Regulations, excluding all regulations specific to Atkins Corners and North Amherst village centers, and to amend Sections 3.01 and 5.061, and Articles 7 and 12.

Add Form-Based Design Regulations for North Amherst village center

5. To add those regulations under Article 16, Form-Based Regulations, specific to North Amherst village center, and to amend Articles 2, 3, 5, 6, 7, 8, 12 and 16, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, all, including all amendments specific to North Amherst village center.

Add North Amherst village center zoning districts to Official Zoning Map

6. To amend zoning district boundaries as shown on Figure 1B for North Amherst village center.]

Action taken on 5/14/2012.

(Town Meeting Member Nolan Anaya made a motion to have those areas proposed under Article 25 as NAVC and RLD-FC west of Sunderland Road and north of the Mill River remain COM as shown on the map on the screen, retaining the small section of NAVC/FC on the northeast corner of the Swartz Farm and to remove the following three properties from the proposed R-VC/R-VF zoning along Montague Road, keeping them as R-N zoning:

- The area around 134 Montague Road (Cows homestead) at the corner of Montague Road and Cows Road
- The property at 85 Montague Road (5A-104)
- The property at 65 Montague Road (5A-76) all as shown on the screen.

The motion to amend was carried.

Vote on Article 25 as amended failed to obtain the required two-thirds vote.)

At 10:13 p.m. on May 14, 2012, the meeting voted to adjourn to Wednesday, May 16, 2012 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 214 town meeting members were checked in.

ARTICLE 26. Zoning Amendment – Residential Parking Design Regulations (Planning Board)

VOTED Yes 106 No 35 to amend Sections 7.00 and 7.1 of the Zoning Bylaw, as follows:

- C. Amend Section 7.00 by reorganizing sentences, deleting the lined out language, and adding the language in **bold italics**, as follows:

- 7.00 In all districts except Educational Districts, off-street parking spaces shall be provided and maintained in connection with the construction, conversion or increase in ***dwelling*** units or dimensions of buildings, structures or use. ***The provisions of this section shall apply to parking spaces for cars, vans, light trucks, and similar vehicles used predominantly for personal transportation. Parking for commercial vehicles or vehicles used for private or public transit shall be governed under the provisions of Sections 7.1, 7.3 and 7.5. such Except as may be required otherwise by the Permit Granting Board or Special Permit Granting Authority, as applicable, parking*** spaces to ***shall*** be provided in at least the following minimum amounts.

- 7.000 For dwellings, including apartments:

7.0000 tTwo (2) parking spaces for each dwelling unit.

7.0001 ***Parking spaces for Ccars or similar vehicles*** parked in the front set back shall be shall be on a parking ***paved*** surface such as ***concrete, bituminous asphalt, masonry pavers, oil and stone, gravel, trap rock, or a similar material (see Section 7.101).***

7.0002 *In any residential district, There shall be a maximum of two (2) cars or similar vehicles allowed to be parked in the front setback of any property. **Parking in the front setback shall be on paved surfaces only. Where five (5) or more cars are regularly parked on a given property in association with a residential use, parking in the front setback shall be designed so as to ensure free passage at all times for regular users and unrestricted access for emergency vehicles.***

- D. Amend Section 7.1 by deleting the lined out language and adding the language in ***bold italics***, by adding a new Section 7.100, and by renumbering the remaining sections accordingly, as follows:

SECTION 7.1 DESIGN STANDARDS AND LANDSCAPE STANDARDS

The purposes of these design and landscaping requirements are to provide for: the safe and efficient flow of pedestrian and vehicular traffic; the separation of parking areas from abutting streets; visual relief from expanses of unbroken blacktop and vehicles; proper drainage and snow removal; and general visual enhancement of parking areas. Residential uses of four or fewer units shall be exempt from Sections 7.100 ~~7.102~~ and 7.101 ~~7.103~~.

7.10 Design Standards

- 7.100 ***For new or altered parking areas consisting of a total of five (5) or more parking spaces, where no Special Permit or Site Plan Review approval is required:***

7.1000 ***Parking Plan Required: An accurate scaled site plan shall be submitted to the Building Commissioner demonstrating compliance of the proposed parking with this Bylaw with respect to driveways, grading, slope, drainage, design, setbacks, layout, location on the site, circulation, lighting, landscaping, and other pertinent features.***

7.1001 ***Waiver or Modification: Where not otherwise provided for under Section 7.90 or other sections of the Bylaw, any provision of Section 7.1 may be waived or modified by the Building Commissioner for compelling reasons of safety or design, except that no such administrative waiver or modification may be granted for maximum lot coverage.***

- 7.101 ***Paving: For the purposes of this bylaw, a paved parking surface shall be considered to be one which has a prepared subgrade and compacted gravel base with a minimum total 12 inch depth, appropriate grading and drainage, and which is surfaced with a minimum 2 inch top coat of concrete, asphalt, masonry pavers, oil and stone, gravel, trap rock, or similar material, as approved or modified by the Town Engineer. To the extent feasible, permeable or porous paving shall be employed in new construction or site renovations or improvements.***

- 7.102 ***Slope:*** Parking areas used for parking and vehicle maneuvering shall have grades not to exceed five percent slope.

Driveways used exclusively for ingress or egress or interior parking lot circulation shall have slopes not exceeding 12 percent except within 30 feet of the road, in which case the slope shall not exceed 5 percent.

- 7.103 Set back from buildings: except for parking within an enclosed structure, no parking space shall be located within eight feet of a building wall. No access aisle, entrance or exit driveway shall be located within five feet of a building. Loading docks are exempt from this requirement.

- 7.104 Dimensions, ***Marking & Delineation***

The area of all parking areas shall be included in the calculation of maximum lot coverage.

Parking areas shall be clearly delineated and shall be provided with a permanent dust-free surface and adequate drainage. Each parking space shall be at least 9 feet x 18 feet in size, and all parking areas must have adequate access and maneuvering areas. The Zoning Board of Appeals (SP) or the Planning Board (SPR) may allow, upon application, small car parking spaces (8 feet x 16 feet) to be substituted for up to fifty percent of the standard parking spaces. Compact parking spaces shall be designated by clearly visible signs.

In all parking areas of five (5) or more parking spaces, individual spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces.

Curb radii, driveway width, and other such dimensions shall comply with the "Street and Site Work Construction Standards", adopted by the Select Board, as such standards may be amended, unless otherwise specified in Section 7.1, Design Standards and Landscape Standards.

Ramps between parking areas of different elevations shall not exceed 12 percent slope, with a maximum 5 percent transition slope for a minimum length of 20 feet at the upper and lower end of the ramp slope. All parking plans involving ramps shall be accompanied by profiles showing the ramp, ramp transitions, and overhead and wall clearances.

- 7.105** Lighting: adequate lighting shall be provided for all parking areas of 10 ~~5~~ spaces or more if these areas are to be used at night. Any illumination, including security lighting, shall be arranged so as to reflect away from adjoining properties and rights-of-way. Residential projects containing eight or fewer dwelling units are exempt from 7.103. ***All exterior site lighting associated with parking areas shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see.***

Adjacent properties shall be protected from light intrusion through the use of cut-off luminaries, light shields, lowered height of light poles, screening or similar solutions. All exterior site lighting shall be kept extinguished outside of normal hours of use, except for lighting necessary for site security and the safety of employees and visitors, which lighting shall be activated and controlled through motion sensors or similar technology.

- 7.106** Entrance and exit driveways: for parking areas containing fewer than 5 spaces, the minimum width of entrance and exit drives shall be 10 feet wide for one-way use and 18 feet wide for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 10 feet wide for one-way use and 18 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The permit granting board may modify these width and radius limitations to facilitate traffic flow and safety.

Driveways shall be located and designed so as to minimize conflict with traffic and provide clear visibility and sight distances for the observation of approaching pedestrian and vehicular traffic. The design and layout of driveways and circulation serving parking areas of 5 or more spaces shall prevent vehicles from backing into a street in order to exit the site. Circulation design, layout, and signs associated with non-residential uses shall direct exiting vehicles in a safe and convenient manner toward main thoroughfares and away from secondary streets passing through adjacent residential neighborhoods. No portion of the driveway at the edge of the street pavement shall be closer than 75 feet from an intersection, unless allowed by the Special Permit Granting Authority or Permit Granting Board.

7.11 Landscape Standards

- 7.110** Parking areas of 10 or more spaces shall provide a minimum of 10 percent of the total parking area as landscaped open space (this may be included in the calculation of open space area under Table 3: Dimensional Regulation: Maximum Lot Coverage).

- 7.111 Parking areas of 25 or more spaces shall provide landscaped islands of a minimum width of four feet, with raised curbs, throughout the parking area for the purposes of: a) defining parking lot entrances, b) defining the ends of a portion of the parking aisles, c) defining the location and pattern of primary internal access drives, d) separating parking spaces within long rows of spaces, and e) separating some of the rows of parking spaces from other rows.
- 7.112 Screening: parking areas with 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties. Such screening may be accomplished by: depressions in grade 3 feet or more; a hedge or wall; or any type of appropriate natural or artificial permanent division. Any required screening barrier shall not be less than 3 feet high. Screening shall not be located to obstruct driver visions so as to impair safety at intersections or driveway entrances or exits.

Action taken on 5/16/12.

A motion was made to hear Article 27. Motion was defeated.

At 10:04 p.m. on May 16, 2012, the meeting voted to adjourn to Monday, May 21, 2012 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 161 town meeting members were checked in.

There were 247 town meeting members; 124 town meeting members constitute a quorum. The Constable reported a quorum at 7:45 p.m. and the May 21, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:50 p.m.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of Marilyn Gonter who passed away on May 20, and Donald Pitkin who passed away on May 11.

ARTICLE 27. Local Historic District (Historic Commission)

VOTED by a declared two-thirds vote to amend the General Bylaws of the Town by adding a Local Historic District Bylaw as printed in the April 2012 Historical Commission Report to Town Meeting, and creating the Dickinson Local Historic District as shown on the plan labeled "Local Historic District Study Area", dated 02/17/2012, all as pursuant to MGL Chapter 40C.

Action taken on 5/21/12.

ARTICLE 28. Petition Article – Reversing Citizens United v. Federal Elections Commission (Swift et al)

VOTED unanimously to accept the following resolution:

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations;

WHEREAS, Corporations are not people but instead are entities created by the law of states and nations;

WHEREAS, this corporate takeover of the First Amendment has reached its extreme conclusion in the United States Supreme Court's ruling in Citizens United v. Federal Election Commission;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. Federal Election Commission overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. Federal Election Commission has unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government;

Now be it resolved that the Town of Amherst, Massachusetts, hereby calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse Citizens United v. Federal Election Commission and to restore constitutional rights and fair elections to the people.

And be it further resolved that the Massachusetts Legislature be urged to call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse Citizens United v. Federal Election Commission and to restore constitutional rights and fair elections to the people.

Now be it further resolved that the Town Clerk be directed to send a copy of this resolution to Sen. John F. Kerry and Sen. Scott P. Brown, Congressman John W. Olver, Massachusetts State Senator Stanley Rosenberg, and Massachusetts State Representative Ellen Story.
Action taken on 5/7/12.

**ARTICLE 29. Petition Article – Bylaw Regarding Sharing of Information with Federal Agencies
(Hooke et al)**

VOTED to accept the following resolution:

WHEREAS the Town of Amherst has been enriched and built by generations of immigrants; and,

WHEREAS the program called “Secure Communities” (SComm), run by federal Immigration and Customs Enforcement, harms our communities by mandating the sharing of local law enforcement reporting with the Department of Homeland Security on individuals they detain or arrest, thus involving local law enforcement in federal immigration policy; and,

WHEREAS SComm is an unfunded mandate, meaning that the burden of incarceration, detention, and care for detained people falls upon the budget of local law enforcement and upon the Town of Amherst; and,

WHEREAS SComm rejects a community policing model, which is based upon trust between law enforcement and the population it is meant to protect and serve, and has already been shown to increase distrust and fear of local authorities, making many immigrants afraid to be witnesses and report crimes against themselves and others; and,

WHEREAS SComm violates the Town of Amherst Bylaws, including the Human Rights Bylaw (STM-November 8, 1999, Art. 16), as SComm explicitly promotes discrimination on the basis of nation of origin and implicitly promotes discrimination on the basis of race, color, and socio-economic status; and,

WHEREAS the Code of Federal Regulations, 28 C.F.R. §20.21(c)(3), provides that “[s]tates and local governments will determine the purposes for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order”; then

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst and its officials and employees, to the extent permissible by law, shall not participate in federal law enforcement programs relating to immigration enforcement, including but not limited to, Secure Communities, and cooperative agreements with the federal government under which town personnel participate in the enforcement of immigration laws, such as those authorized by Section 287 (g) of the Immigration and Nationality Act. Should the Commonwealth of Massachusetts enter into an agreement or Memorandum of Agreement regarding Secure Communities, the Town of Amherst shall opt out if legally and practically permissible. To the extent permissible by law, immigration detainer requests will not be honored by the Amherst Police Department. Municipal employees of the Town of Amherst, including law enforcement employees, shall not monitor, stop, detain, question, interrogate, or search a person for the purpose of determining that individual’s immigration status. Officers shall not inquire about the immigration status of any crime victim, witness, or suspect, unless such information is directly relevant to the investigation, nor shall they refer such information to federal immigration enforcement authorities unless that information developed is directly relevant. The use of a criminal investigation or arrest shall not be used as a basis to ascertain information about an